There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1097

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. OFFSET OF EMERGENCY SUPPLEMENTAL SPENDING.

Not later than 15 days after Congress adjourns to end the first session of the 106th Congress and on the same day as a sequestration (if any) under sections 251 and 252 of the Balanced Budget and Emergency Deficit Control Act of 1985, the Director of the Office of Management and Budget shall cause, in the same manner prescribed for section 251 of that Act, a sequestration for fiscal year 2000 of all non-exempt accounts within the discretionary spending category (excluding function 050 (national defense)) to achieve a reduction in budget authority equal to $13,303,000,000 minus the dollar amount of reimbursements identified in the report required by section 2005 (efforts to increase burden-sharing) of the 1999 Emergency Supplemental Appropriations Act.

Mr. GRAMS. Mr. President, I rise in strong support of Senator ENZI's bill to offset all of the nonemergency funding in the supplemental with an across the board cut in non-defense discretionary accounts.

As one who vigorously opposed the omnibus appropriations bill of last year which resulted in spending far above our commitments, I was surprised that here we have yet another attempt to circumvent our budget principles—and to spend part of the Social Security surplus nearly all of us pledged to devote only to Social Security.

While there are true emergencies in the supplemental I support, such as the agriculture spending and funds directly related to our Kosovo operation, I strongly oppose inclusion of other defense spending that clearly should be considered in the normal appropriations process. And I oppose beefing up the FEMA budget three times over the President's request as well. What all of this is about is just a gimmick to claim we are not breaking the caps as we proceed into the fiscal year 2000 appropriations process by providing some funding now. The last estimate I saw indicated only $2.5 billion of this funding will be outlayed in this fiscal year. So—why are we appropriating $15 billion?

Mr. President, I have no objection to this additional spending—if we pay for it. Senator ENZI's legislation, which I have cosponsored does pay for it. This is the responsible thing to do, since most of this bill—over $13 billion is not emergency spending.

Those who believe in integrity of our budget process and in the need to preserve Social Security will vote for this bill.

Mr. SESSIONS. Mr. President, I rise in support of Senator ENZI's bill to offset the supplemental appropriations bill.

Senator ENSZI's bill is consistent with my belief that we must pay for this emergency supplemental bill with offsets.

Mr. President, under the Balanced Budget Act of 1997, Congress, the President, and the American people agreed to cap the growth of our Government's spending programs. In doing this we were able to balance the budget and head down the path of fiscal responsibility. We have agreed under the law to these spending caps. We should not now turn our backs on the commitment we made to the American people, by going back on our word and breaking this agreement with them.

Because of this commitment to the American people, Congress must not bust these spending caps.

In that same vein, at the zenith of our success to have finally balanced the Federal Government's budget for the first time in 29 years, we ought not look to spend $13 billion we don't have. We can ill afford to use our first wave of surpluses, especially the surpluses garnered from the Social Security trust fund to pay for this supplemental. We can ill afford at this critical juncture to break our pledge to our seniors over social security, not to the public over keeping our budgets balanced.

In closing Mr. President, I believe Senator ENZI's bill, of which I am an original cosponsor, is right on the mark. We need to use common sense in budgeting in our Nation's Capitol.

Granted we have several emergencies confronting us, from the disasters that have hit our constituents across the land, the need to increase FEMA's funding to meet these needs, desperately needed funds for our farmers—including my provision to the bill that will help our farmers to qualify for disaster funds, up to the need to support our troops in Kosovo. But—we must pay the bill. I support Senator ENZI and our other cosponsors, by calling for reduced spending in other federal programs in order to fund these necessary emergencies. This is truly the only way this Congress can justify spending money we don't have.

Mr. LOTT. Mr. President, I have sought recognition to make a couple of unanimous consent requests.

First, I want to commend the chairman of the Appropriations Committee for his work on the supplemental appropriations. It is never easy for him, but it is easy for us to second-guess and be judgmental. In his unique way he does a magnificent job.

VIOLENT AND REPEAT JUVENILE ACCOUNTABILITY AND REHABILITATION ACT OF 1999

The Senate continued with the consideration of the bill.

Mr. LOTT. I believe the procedure is that Senator HARKIN would be entitled to the floor, but this unanimous consent agreement will take care of that problem and we will be able to move forward.

I ask unanimous consent that the Senate proceed to vote on or in relation to the Ashcroft-Frist amendment, No. 355, after 20 minutes of debate to be equally divided in the usual form; following that vote, if agreed to, the Senate immediately agree to an amendment to be offered by Senator HARKIN. I further ask that following the disposition of the above two mentioned amendments, if the Ashcroft-Frist amendment is agreed to, the following be the only amendments remaining in order and under a time agreement equally divided, and all other provisions of the previous consent of May 14 still be in place.

The amendments are as follows: The Bond amendment regarding the film industry, 30 minutes; the Biden amendment, 45 minutes, with 30 minutes under the control of Senator BIDEN and 15 minutes under the control of Senator HATCH.

I further ask that following the disposition of the above-listed amendments, the bill be advanced to third reading and passage occur, all without any intervening action or debate.

Mr. DASCHLE. Mr. President, reserving the right to object, and I will not because I think we need to move quickly here, I want to thank all those who are responsible for getting us to this point. This has taken some cooperation on the part of both sides. I especially want to thank Senators HARKIN, ASHCROFT, FRIST, BIDEN, WELLSTONE and others who have been very helpful.

I have no objection.

Mr. HARKIN. Reserving the right to object, I am sorry that I did not hear the entire request, but the situation, as I understand it, prior to right now, was that after the supplemental, we were coming back to the Frist-Ashcroft amendment and I was to be recognized.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. What does this do to that?

Mr. LOTT. This would obviate that and we would move forward with the procedure that is outlined. We would proceed to vote on or in relation to the Ashcroft amendment with time equally divided for 20 minutes, and then the Senate would immediately agree to the amendment offered by Senator HARKIN.

Mr. HARKIN. As I understand it, what you are saying is right now we would have 20 minutes?

Mr. LOTT. Right. Equally divided in the usual form.

Mr. HARKIN. Then you would vote up or down on the Frist-Ashcroft amendment, and then there would be—then what?

Mr. LOTT. Then we would go directly to the agreement to accept the Harkin amendment.

Mr. HARKIN. OK. I am OK with that.

I must be very honest with you. I have been waiting some time to be able to at least make my case on the floor. I have been more than willing to set everything aside and to let the process go ahead since yesterday. But I must tell you that since yesterday I have been waiting to get at least 15 to 20 minutes where I could just lay out my

case on the Frist-Ashcroft amendment on IDEA, the background of it. I just believe I have to. I want to be able to fully make my case against the amendment. I do not want to take a lot of time, I do not want to filibuster it, but I would like to have 15 or 20 minutes just to lay out my case. That is all.

Mr. LOTT. Mr. President, perhaps I could amend the unanimous consent request to this effect, that we have 30 minutes on the Ashcroft and the Harkin amendments, with each side getting 15 minutes. The Senator would have 15 minutes, Senators ASHCROFT and FRIST would have 15 minutes, and they would split it up between themselves. I modify my request to that effect.

Mr. DASCHLE. Mr. President, reserving my right to object, I support that request. Just for clarification purposes, Senator BIDEN wants to be sure that the other part of the arrangement we had, which was an up-or-down vote on his amendment, would occur. I just would clarify that for the record. I understand that to be the case.

Mr. LOTT. That will be the way the vote will occur.

The PRESIDING OFFICER. Hearing no objection, the unanimous consent agreement is agreed to.

Mr. LOTT. I thank all involved. I yield the floor.

Mr. DASCHLE. If I could just ask the majority leader, we had one Member's request; Senator KERRY asked if he could have a period of time—I suggest 10 minutes—prior to final passage, for him to be recognized.

Mr. LOTT. Would it be possible he could do that after final passage? The reason why, and I understand—I would like any Senator to be able to do that—we do have a number of Senators who would like to be able to leave by 6. You are talking about airplanes. You are talking about a son's athletic event. It is the usual thing. To admit we have these sorts of requests is not always easy.

Mr. DASCHLE. Perhaps we can consult with Senator KERRY.

Mr. LOTT. Perhaps we will not use all the time and we could stick it in there, but if he would be willing to at least consider it after final passage it would help a number of his colleagues. We will work on that.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Iowa.

AMENDMENT NO. 355

Mr. HARKIN. Mr. President, we are now back on the Frist-Ashcroft amendment. I am not going to proceed until we have order. I cannot even hear myself.

The PRESIDING OFFICER. The Senate will be in order. Will the conversations in the aisles be taken somewhere else.

The Senator from Iowa.

Mr. HARKIN. Mr. President, I know the recent school tragedies—again, even another this very morning—are a call to action to us as families and churches and schools, as communities, as leaders in government, to take positive, constructive steps to make our schools places of learning and not of fear. But let's not use these tragedies of Littleton and other schools to take emotional, unfounded—although well-intentioned-actions which actually will make our schools and communities more unsafe and less secure.

I want to make this point very, very clear. The Frist-Ashcroft amendment is a dangerous, dangerous, dangerous amendment. The Frist-Ashcroft amendment guts IDEA. It actually will make our communities and our schools more unsafe.

The purpose of this bill is to help make our schools and communities safer. That is the purpose of the bill in front of us. I must ask, is putting a child with a disability on the street and cutting off all services to that child something that will make our communities more safe? Frankly, it will have the opposite effect.

This amendment, would, for example, lead to a child with an emotional disturbance being put on the street and end the counseling and behavioral modification services they had been receiving—end, them, cold turkey. No more counseling or behavioral modification services. And this kid is now on the street. Tell me, is that community safer? Obviously not, but that is just what this amendment would lead to. Troubled children out on the street with no supervision, no tracking, no education, no mental health services.

This amendment targets a group of students who are more likely to be victims of school violence than perpetrators. Again I want to point out: Not any of the nine—now nine school shootings—in the last 39 months was done by a child in special education. Not one. Yet we have this amendment that targets kids with disabilities. This amendment is scapegoating—and I use that word, ''scapegoating''—scapegoating kids with disability. And it is destroying an important safety feature of the Individuals with Disabilities Education Act.

The supporters of the amendment say they need it because the law erected barriers that kept them from taking students who had guns in their possession out of schools. We showed yesterday—and the authors of this amendment agreed with me on this point—that a child with a disability who brings a gun to a school can be removed from that school immediately, just like any other child. We settled that yesterday. For a kid with a disability who brings a gun or firearm to school, right now, the principal can call up the sheriff or the police. They can come haul him away, book him, put him in jail, whatever the law is.

So I hope no Senator votes on this amendment thinking that under the law as it exists today, a kid with a disability who comes to school with a gun can't be kicked out immediately. That is simply not true. Nothing in Federal law limits them from immediately removing him and keeping him out as long as that child is a threat to himself or others. Let me repeat that, the school can remove that child immediately and keep them in an alternative setting indefinitely as long as that child is a threat to himself or others. It couldn't be more clear than that.

We worked long and hard, 3 years of hearings, hammering out the IDEA bill in 1997. And we passed it here in the Senate by a vote of 98 to 1, 98 to 1. We have had no hearings on this amendment, none whatsoever. But we had plenty of hearings to set up a framework in IDEA to make sure our schools and communities were safe. First, we wanted to make sure the schools were safe. Second, we wanted to make sure the communities were safe. Third, we wanted to make sure students with disabilities were held accountable for their actions and that schools have the flexibility to take appropriate and timely actions. Last, we wanted to make sure that decisions were based on facts relevant to the child, not just on emotions.

Right now under the law, school authorities can unilaterally remove a child with a disability, first of all, for the first 10 days, and provide no services whatsoever. Second, if it is found that their actions were not a manifestation of their disability, then of course he is treated in the same manner as nondisabled children, and can be kept out in an alternative setting forever.

If it is found by that the child's action was a manifestation of their disability, that child then is put into an alternative setting for up to 45 days. That alternative setting is determined by the local school districts.

Now we heard yesterday that after 45 days the kid will be put back in school. That is just not so—only if he or she is no longer a danger. If that kid continues to pose a danger to himself or others, the school can repeat that 45 days again and again and again—for as long as it deems necessary.

Finally, as I said, there is no way the law prohibits anyone from calling the police to come take any student out who has a gun. I also want to point out, IDEA specifically provides that school officials may obtain a court order anytime to remove a child with a disability from school or to change a child's current educational placement if they believe that maintaining the child in the current educational placement is substantially likely to result in injury to the child or others. So it is clear, current law addresses the issue. Frankly, we have a commonsense structure now. And, again, it was carefully designed to make schools and communities safer.

The Senator from Missouri yesterday put up a chart showing the manifestation determination process, how you

have to go through all these processes. Why do we do that? He made it seem like it was some bureaucratic maze, or jungle. The reason that we have this manifestation determination is so we can address the behavior of the child with the disability, to determine why that child acted the way the child did, and then to have the proper interventions so that child does not behave that way in the future. That's just common sense and it should not be eliminated as this amendment would do.

Who does that process help, and who does that protect? Does it not protect the school? Does it not protect the local community? Of course, it does. If we can intervene and provide the proper kind of psychological help, maybe even medical help, educational help so that the child with a disability modifies his or her behavior, it seems to me that is what we want.

Or are we saying under the Frist-Ashcroft amendment: We do not care; if a kid with a disability brings a gun to school, we do not care about that behavior; kick him out, put him out on the street, cut off all his services?

Is that going to make our community safer? Is that going to make our schools safer? Is that going to protect students? If there is a question about that in anyone's mind, I point to the fact that the shooting in Oregon where students were tragically killed was committed by a kid who had been suspended without services from school. He went home, got a gun, and came back to school. I ask, what if a child in that circumstance was put in an alternative setting with supervision, with appropriate psychological help, behavior modification, supporting services? Would that kid have gone home to get the gun and come back to school? I think the odds would have been great that that kid would not. But instead he was put on the street unsupervised—just as this amendment allows for. That is the ''level playing field'' the supporters of this amendment advocate.

Mr. President, that is why over 500 police leaders from this country are opposed to the Frist-Ashcroft amendment.

I ask unanimous consent to print in the RECORD a letter from Fight Crime, Invest in Kids. The board of directors includes the president of the Fraternal Order of Police. It encompasses 500 police leaders—many of them the police chiefs in major cities from around the country. It says in part:

. . . we urge you to oppose the Frist-Ashcroft amendment, and support the [amendment] to be offered by Senator Harkin.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

FIGHT CRIME,
INVEST IN KIDS,
Washington, DC, May 17, 1999.

DEAR SENATOR: should we really give kids who bring firearms to school more unsupervised time? Senators Frist and Ashcroft's amendments to S. 254 would have precisely that impact.

As an organization of more than 500 victims of violence, sheriffs, district attorneys, police chiefs, leaders of police organizations and violence prevention scholars, we urge you to oppose the Frist-Ashcroft amendment, and support the substitute to be offered by Senator Harkin.

Regardless of whether students have disabilities or not, schools already can suspend or expel students who bring weapons to school. Nothing in the Individuals with Disabilities Education Act (IDEA) prohibits schools from removing immediately a child who brings a gun to school. At the same time, the law recognizes sending the child home or out on the street without educational services is not the answer. That's why IDEA simply requires states to continue education services. The Frist-Ashcroft amendment would eliminate this requirement for any child who brings a gun to school.

We should have tough sanctions for kids who bring a weapon to school. The safety of other students in the school must be paramount. The Frist-Ashcroft Amendment may sound tough to those who think all kids love school. But giving a gun-toting kid an extended vacation from school and from all responsibility is soft on offenders and dangerous for everyone else. Please don't give those kids who most need adult supervision the unsupervised time to rob, become addicted to drugs, and get their hands on other guns to threaten students when the school bell rings.

Anti-truancy programs are often an important part of successful efforts to reduce juvenile violence. The Frist-Ashcroft amendment encourages mandatory truancy.

To minimize the threat these youngsters pose, we should require continued adult supervision as well as participation in mental health and behavioral modification programs, and continued school attendance in an appropriate setting, to learn the skills needed to make an honest living. The Harkin Amendment is consistent with this approach. Otherwise expulsion often becomes a graduation to a life of crime that threatens the public immediately and for many years to come.

Please let me know if we can be of help in advising on what really works to keep kids from becoming criminals.

Sincerely,

SANFORD A. NEWMAN,
President.

Mr. HARKIN. Mr. President, these are the policemen talking. Do you know why they are saying this? Because they know if Frist-Ashcroft is adopted, they are going to dump these kids on the streets—kids with problems, emotional problems, kids with mental problems and behavioral problems, kids who are mentally retarded and may have other problems. They are going to dump them out on the street. That is safe? That is going to make our schools and our communities safe? Please, someone tell me how that is so. That is why the police are opposed to this amendment.

I will read a portion of another statement:

As police chiefs in America's largest cities, we know that investments today to help kids get the right start are among America's most powerful weapons against crime. Quality child care, parenting, coaching, and afterschool programs can help kids learn the values and skills they need to become good neighbors instead of criminals. We, therefore, call on all our public officials to adopt the policies described in Fight Crime, Invest in Kids. Help schools identify troubled and disruptive children and provide children and their parents with the counseling and training that can help get the kids back on track.

These are not social scientists; these are policemen from around the country.

Let me also read from the testimony of the Police Executive Research Forum—a leading national organization of police chiefs and senior law enforcement officials. Gil Kerlikowski, who at the time was president of this group and the police chief in Buffalo, New York testified at a recent congressional hearing on this topic. He said:

Students who are expelled or suspended from school and left at home or on the street become my problem, and the problem of police across this country. They have greater opportunity to commit crimes, abuse drugs, or engage in disorderly behavior that affects the quality of life in any given neighborhood. They are also vulnerable to gangs and predators who can victimize and exploit them in ways that will impede any later efforts to put them on the right track. Today's police forces are ill-prepared to deal with these individuals—the rest of the criminal justice system even less so.

I also have a letter from the Correctional Educational Association again stating that the Frist-Ashcroft amendment is more dangerous to our schools and our communities.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CORRECTIONAL EDUCATION ASSOCIATION,
Lanham, MD, May 17, 1999.

Hon. BILL FRIST,
U.S. Senate,
Washington, DC.

DEAR SENATOR FRIST. On behalf of the teachers who labor in the nation's prisons, jails and juvenile facilities, let me implore you to withdraw your amendment and support the Harkin amendment to S. 254. There are enough provisions in the current IDEA to deal with problems related to violent behaviors, such as carrying or threatening to carry weapons into the school environment. In fact, your bill offers no remedy, whatsoever, for changing the behavior which it seeks to punish. It removes the procedural safeguards designed to assist the offending child to find the necessary help he or she needs. Finally, it punishes the child for his or her disability, not for the offending behavior. It is akin to taking medicine from a sick person because he or she has an obnoxious personality.

One of the strengths of IDEA is the procedure for dealing with behavior problems. Carrying a weapon to school is a terrible behavior problem needing immediate action by the whole school community. Dismissal from school services denies a solution to the problem. Why not require the IDEA procedure for any student with a behavior problem, whether or not the student is in special education or not? We need strong procedure to deal with potential and real violence. Doing nothing solves nothing.

Those of us in criminal justice realize that providing special education students with appropriate instructional services is one of the keys to change their negative behaviors. Punishing a student without positive and appropriate assistance changes nothing. In

fact, it just makes things worse. In attempting to help avoid future tragic situations like Littleton, we must be careful to find ways to locate, calm and help potentially violent kids change. Please rescind your amendment.

Sincerely,

STEPHEN J. STEURER,
Executive Director.

Mr. HARKIN. Mr. President, I have a letter from the Council for Exceptional Children saying:

While we . . . strongly support the removal of a student who endangers the safety or well-being of themselves or other students, we strongly oppose the cessation of services for any student.

The Frist-Ashcroft amendment ceases those services. What they say is that the school districts may provide the services—may. We already heard one Senator yesterday say how much this costs. It may cost too much, and schools will say: It costs too much money; we are not going to do it; let somebody else provide the services. And the kid falls through the cracks. That is what happens.

If you do not think the police know what they are talking about or the Council for Exceptional Children or the Correctional Education Association, how about the Parent Teacher Association? Do you honestly believe that the National PTA wants more dangerous schools? Here is a letter from the National PTA strongly—strongly—opposing the Frist-Ashcroft amendment:

The National PTA supports Sens. Ashcroft's and Frist's goal of keeping children safe in school. Their amendment, however, would allow for the expulsion of special education students who possess a handgun in school, without ensuring alternative education services are provided. National PTA supports removing students who bring guns to school, but believes students should receive education services in an alternative setting.

National PTA supports Senator Harkin's amendment, which clarifies that schools have the authority to remove any child who brings a gun to school [and continues to provide them services].

I ask unanimous consent the National PTA letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

NATIONAL PTA,
Chicago, IL, May 17, 1999.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: National PTA opposes amending the Individuals with Disability Education Act (IDEA) as proposed by Sens. Ashcroft and Frist. The amendment will be offered to S. 254, the juvenile justice bill currently being debated in the Senate. National PTA asks that you vote NO on Ashcroft/Frist amendment and vote YES to support an alternative amendment sponsored by Senator Harkin.

The National PTA supports Sens. Ashcroft's and Frist's goal of keeping children safe in school. Their amendment, would allow for the expulsion of special education students who possess a handgun on school, without ensuring alternative education services are provided. National PTA supports removing students who bring guns to school, but believes students should receive education services in an alternative setting.

National PTA supports Senator Harkin's amendment, which clarifies that schools have the authority to remove *any* child who brings a gun to school. The amendment also states that all students should be provided education services in an alternative setting. Further, students would receive immediate and appropriate intervention services, and thereby minimize the possibility of future violations by the student.

The National PTA asks that you oppose the Ashcroft/Frist amendment and vote for the Harkin alternative.

Sincerely,

SHIRLEY IGO,
Vice President for Legislation.

Mr. HARKIN. Mr. President, I have a number of other organizations whose letters in opposition to this amendment I want to print in the RECORD: the United Cerebral Palsy Association, Learning Disabilities Association of America, the ARC of the United States, the American Association of Mental Retardation, the Easter Seals of Missouri, the Easter Seals of Tennessee, and a number of others. I ask unanimous consent they be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

THE COUNCIL FOR
EXCEPTIONAL CHILDREN,
Reston VA, May 17, 1999.

Hon. JOHN ASCROFT,
U.S. Senate, Washington DC.

DEAR SENATOR ASHCROFT, On behalf of all students in special education and general education, we ask you to withdraw your amendment to the Individuals with Disabilities Education Act Amendments of 1997 (IDEA 1997). Amendment No. 348 would seriously jeopardize the integrity of this historic piece of legislation.

While we at the Council for Exceptional Children strongly support the removal of a student who endangers the safety or well-being of themselves or other students, we strongly oppose the cessation of services for any student. Past incidents, such as the tragic story of Kip Kinkle from Springfield, Oregon, prove that when a student is immediately suspended without any type of service, further tragedy is imminent.

The final IDEA regulations, released March 12, 1999, offer schools substantial opportunities and strategies for addressing problem behavior of students with disabilities including behavior that is dangerous or involves drugs or weapons. When it is stated that children with disabilities cannot be disciplined, that is absolutely not the case. The statute and the regulations clearly state that when the behavior is not a manifestation of their disability, those children can be disciplined in the same manner as children without disabilities. Furthermore, the statute and regulations state that a child who commits an offense involving drugs or weapons that is a manifestation of their disability, the child can be removed from the classroom and/or building for up to 45 days. There is nothing in the statute or regulations that prohibit another 45 day removal if that is appropriate. The only difference is that child will receive educational services.

This amendment will not result in safer schools or communities. In fact, every major law enforcement agency reports that expelling or suspending troubled children without education services only increases juvenile crime. Drop out rates, incarceration rates and drug use rates also increase when children are expelled or suspended without education services.

On the other hand, we support Senator Harkin's amendment to the juvenile justice legislation which is presently being debated. The Harkin amendment, not an amendment to IDEA, clarifies that schools can and should remove children who bring guns to school and that schools should provide them with immediate appropriate intervention and services, including mental health services in order to maximize the likelihood that such child does not engage in such behavior or such behavior does not reoccur. The Harkin Amendment also reaffirms that nothing prohibits a school from reporting a crime to appropriate authorities.

Please reconsider your amendment and the negative effect it will have to the carefully constructed IDEA Amendments of 1997. We need to implement IDEA, not amend it. Your amendment will seriously undermine the benefits and protections of IDEA. Thank you for your consideration.

Sincerely,

B. JOSEPH BALLARD,
Associate Executive Director.

MISSOURI PLANNING COUNCIL
FOR DEVELOPMENTAL DISABILITIES,
Jefferson City, MO, May 17, 1999.

Hon. JOHN ASHCROFT,
Russell Senate Office Building
Washington, DC.

DEAR SENATOR ASHCROFT: On behalf of the Missouri Planning Council for Developmental Disabilities, I am writing this letter to support the Harkin Amendment to the Juvenile Justice Bill. We believe this bill will result in safer schools since it clarifies the schools' roles in removing children who bring guns to school. We also support the provision of intervention and services, including mental health services, to reduce the possibility of such behaviors reoccurring.

We have supported IDEA, formerly the Education for All Handicapped Children's Act of 1975, since it was introduced and believe that because of this strong legislation many children are now receiving the education to which they are entitled. Because of this we cannot support legislation that would weaken this most important special education law.

Thank you for the opportunity to provide comment. Please call our office if you have questions.

Sincerely,

DON JACKSON,
Chairman.

EASTER SEALS,
May 17, 1999.

Hon. JOHN ASHCROFT,
U.S. Senate,
Washington, DC.

DEAR SENATOR ASHCROFT: On behalf of Easter Seals Missouri, I write to you today to inform you of our opposition to your legislation, the School Safety Act.

While proposed as a solution to the rising problem of violence in our schools, this legislation will only contribute to juvenile crime in our communities. Simply removing a child from school does little to address long-term behavioral problems. In fact, suspensions and expulsions without education services only transfer the problem from the school setting to the community setting.

Parents of children with disabilities want safe schools. They know that their children are too often the victims of inappropriate conduct. Under the 1997 amendments to the Individuals with Disabilities Education Act, any truly dangerous child can and should be readily removed by school authorities. Moreover, the 1997 amendments add numerous

new discipline provisions that strengthen the ability of school personnel to maintain a safe and orderly environment, conducive to learning.

Easter Seals Missouri urges you to withdraw the Safe Schools Act. Thank you for considering our views.

Sincerely,

PATRICIA JONES,
President and CEO.

NATIONAL ASSOCIATION OF
STATE BOARDS OF EDUCATION,
Alexandria, VA, May 19, 1999.

U.S. SENATE,
Washington, DC.

DEAR SENATOR: The National Association of State Boards of Education (NASBE) is a private nonprofit association representing state and territorial boards of education. Our principal objectives are to strengthen state leadership in education policymaking, promote excellence in the education of all students, advocate equality of access to educational opportunity, and assure responsible governance of public education.

NASBE would like to express its opposition to an amendment proposed by Senators Ashcroft and Frist that will significantly alter the discipline provisions within the Individuals with Disabilities Education Act (IDEA), which will be considered by the Senate during debate on the Juvenile Justice bill S. 254 this morning. Currently, students with disabilities who bring a weapon to school can be shifted to an alternative setting for up to 45 days. The Ashcroft/Frist amendment would change this policy so that students with disabilities could be expelled for an entire year. While we certainly support strict disciplinary measures for all students, we must oppose this proposal on the following grounds:

Cessation of educational services, particularly to those most in need of intervention, is not an appropriate response. Simply removing the offending student from school merely shifts the problem to the neighborhood and streets surrounding the school.

A weapons offense is best handled by law enforcement and the judicial system. The current IDEA law does not preclude school personnel from referring student violations to the police where state and local laws would apply.

The amendment undermines the comprehensive compromise reached on IDEA in 1997, of which the current disciplinary policies were a major consideration. During the final Senate vote on IDEA, Senate Majority Leader Trent Lott warned that any attempt to modify the legislation would cause the agreement to collapse. Changes made now would only encourage others to attempt to revise other sections of the carefully crafted IDEA law in the future.

Again, we urge you to oppose changing the IDEA disciplinary provisions under the Ashcroft/Frist amendment to the Juvenile Justice bill. If you have any questions, please have your staff contact David Griffith, Director of Governmental Affairs, at 703/684–4000, ext. 107. Thank you for your consideration.

Sincerely,

BRENDA LILIENTHAL WELBURN,
Executive Director.

THE ARC,
Arlington, TX, May 20, 1999.

ANNE L. BRYANT,
Executive Director, National School Boards Association, Alexandria, VA.

DEAR MS. BRYANT: The Arc of the United States is very concerned with your May 17 letter to Members of the U.S. Senate, in which you state that the Individuals with Disabilities Education Act (P.L. 105–17) prevents schools from removing students who bring firearms to school. This statement is totally incorrect and very misleading. The newly-reauthorized I.D.E.A. allows school authorities to immediately remove all children, including children with disabilities, from the school setting for *any* violation of school discipline codes for up to ten days. In cases when a child has brought a weapon to school or school function, school authorities can unilaterally remove a child with a disability from the child's regular placement for up to 45 days at a time. In addition, if school officials believe that it would be dangerous to return the child after the 45 day period, they can ask an impartial hearing officer to order that the child remain in the interim alternative setting for an additional 45 days and can request subsequent extensions.

It is incomprehensible to The Arc why the National School Boards Association would want to mislead the Senate about this important civil rights law. As a result of these misperceptions, the Senate is considering an amendment to I.D.E.A. that would make communities more dangerous, not safer. The Frist/Ashcroft Amendment currently being debated as part of the Juvenile Justice legislation (S. 254) would allow schools to cease educational services to children with disabilities. Every major law enforcement agency reports that expelling or suspending troubled children without educational services only increases juvenile crime. Drop out rates, incarceration rates and drug use rates also increase when children are expelled or suspended without educational services.

The current I.D.E.A. law and the final regulations, just released by the Department of Education in March of this year, already provide adequate protections to schools. The new law, which your organization agreed to, should be given a chance to work. I.D.E.A. has provided millions of students with disabilities the opportunity for a free and appropriate public education enabling them to become independent and productive citizens. The Arc is extremely disturbed that your organization would use children with disabilities as the scapegoat for recent school shootings.

Sincerely,

BRENDA DOSS,
President.

NATIONAL ORGANIZATION OF BLACK
LAW ENFORCEMENT EXECUTIVES,
Alexandria, VA, May 18, 1999.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of the National Organization of Black Law Enforcement Executives (NOBLE), this letter is to support your substitute amendment to S. 254. NOBLE represents more than 3000 minority law enforcement managers, executives, and practitioners at the local, state and federal levels. We believe that students who are suspended from school for carrying weapons must be placed in a supervised alternative to school and be required to participate in an appropriate mental health and behavioral modification program. Suspending these students from school and putting them out onto the streets would only serve to magnify the crime problem that currently exists. Your efforts to ensure that this does not happen are strongly supported by NOBLE.

Our organization urges you to continue your efforts to ensure that your substitute amendment is incorporated into S. 254.

Sincerely,

ROBERT L. STEWART,
Executive Director.

THE SECRETARY OF EDUCATION,
Washington, DC, May 17, 1999.

Hon. TOM DASCHLE,
U.S. Senate,
Washington, DC.

DEAR SENATOR DASCHLE: I am writing to express my strong opposition to an amendment that Senator Frist has offered to S. 254, the juvenile crime bill that the Senate is now considering. This amendment, which is similar to S. 969, Senator Ashcroft's bill to which I expressed my opposition last week, would allow school personnel to suspend or expel children with disabilities from their schools for unlimited periods of time, without any educational services, including behavioral intervention services, and without the impartial hearing now required by the Individuals with Disabilities Education Act (IDEA), for carrying or possessing a gun or other firearm to, or at, a school function.

The Congress need not address the particular issue that is the subject of the Frist amendment, because it amended the IDEA just two years ago to give school officials new tools to address the precise issue of children with disabilities bringing weapons to school or otherwise threatening teachers and other students. For example, school officials may remove, for up to 45 days, a child with a disability who takes a weapon to school, and may request a hearing officer to similarly remove a child who is substantially likely to injure himself or others, if the child's parents object to a change in the child's placement. Furthermore, the IDEA allows hearing officers to keep these students out of the regular educational environment beyond 45 days if they continue to pose a threat to the rest of the student body. I am convinced that these new tools will be effective if given a chance to work.

I am firmly committed to ensuring that all our schools are safe and disciplined environments where all our children, including children with disabilities, can learn without fear of violence. But we should not let the tragic school shootings in Littleton, Colorado, and other communities lead us to responses, such as the Frist amendment, that will harm children with disabilities.

First, the Frist amendment would deny vital educational services to children with disabilities who are removed from school, including behavioral interventions that are designed to prevent dangerous behavior from recurring. Continued provision of educational services, including these behavioral interventions, offers the best chance for improving the long-term prospects for these children. Discontinuing educational services is the wrong decision in the short run and, in the long run, will result in significant costs in terms of increased crime, dependency on public assistance, unemployment, and alienation from society. We cannot afford to throw away a single child.

Second, the Frist amendment would undo vital protections in the IDEA that were included to protect children with disabilities from widespread abuses of their civil rights. Under this amendment, for example, the IDEA would no longer require schools to determine, when suspending or expelling a child with a disability, whether the behavior of the child in carrying or possessing a firearm is related to the child's disability. Such a determination, which can currently be made while the child has been removed from school, is needed to ensure that children are not unjustly denied educational services during their removal without considering the effects of the child's disability on their behavior. The manifestation determination required by the IDEA is an important tool schools use to appropriately understand the relationship between a child's behavior and their disability in order to best implement behavior intervention strategies.

We should be making every effort to appropriately reach out to our children and help prevent them from endangering themselves and others. It is equally important that we appropriately address the needs of children who have gone astray, violated the rules, and put others at risk. The exclusion of children with disabilities from school—without the impartial due-process hearing and the continued services that the IDEA now requires—is the wrong response.

I urge you to vote against the Frist amendment.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Yours sincerely,

RICHARD W. RILEY.

STATE OF TENNESSEE, DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION, DEVELOPMENTAL DISABILITIES COUNCIL,

Nashville, TN, May 17, 1999.

Senator BILL FRIST,
Dirksen Building
Washington, DC.

DEAR SENATOR FRIST: The recent path of the Individuals with Disabilities Education Act (IDEA) has been an arduous one, as you well know. We at the Tennessee Developmental Disabilities Council and many others, especially parents of students with disabilities and the students themselves, remember your outstanding efforts to achieve a fair compromise around complex issues during the recent IDEA reauthorization process. Because of your interest and attention, IDEA still ensures children with disabilities access to a free appropriate public education.

The procedural safeguards contained in IDEA are critical in protecting the right of children with disabilities to receive a free appropriate public education. Therefore, we are distressed about your recent effort to amend IDEA concerning the suspension or expulsion of students with disabilities who carries or possesses a gun or firearm to or at a school, on school premises, or to or at a school function. This is not to say that we believe that any student who carries or possesses a gun or firearm should not be disciplined. Just as the positive principles of the IDEA should work for all students as schools are encouraged to include students with disabilities in regular classrooms and to afford them every opportunity for education, so should such egregious behavior by any student have consequences.

However, we do not believe that the consequences enumerated by your amendment to IDEA will have the desired outcome. They will not result in safer schools or communities. In fact, every major law enforcement agency reports that expelling or suspending troubled children without education services only increases juvenile crime. Drop out rates, incarceration rates and drug use rates also increase when children are expelled or suspended without educational services.

We believe that a better approach, for all students, is articulated in Senator Harkin's amendment to the juvenile justice bill. It will assist schools to maintain safe environments conducive to learning. It clarifies that schools can and should remove children who bring guns to school and that schools should provide them with immediate appropriate intervention and services including mental health services to maximize the likelihood that such child does not engage in such behavior or such behavior does not reoccur. The Harkin amendment also reaffirms that nothing prohibits a school from reporting a crime to appropriate authorities.

Senator Harkin's amendment seems very consistent with the aim of IDEA and with the very compromise that you worked so hard to achieve in 1997. Therefore, we ask that you support Senator Harkin's amendment.

Sincerely,

LANA KILE,
Chair.
WANDA WILLIS,
Executive Director.

AMERICAN ASSOCIATION ON MENTAL RETARDATION,

To: Senator THOMAS HARKIN.
From: M. Doreen Croser, Executive Director.
Re: Opposition to IDEA Amendments.
Date: May 17, 1999.

Thank you for all your hard work to maintain the integrity of the Individuals with Disabilities Education Act (IDEA). Your efforts are greatly appreciated by the members of the American Association on Mental Retardation!

We also want you to know that we oppose the Ashcroft/Frist Amendment because we do not believe it will result in safer schools or communities. Drop out rates, crime, incarceration and drug use increases when children are expelled or suspended from school without education services. Clearly, such suspensions or expulsions are not in our society's best interest.

Your proposed amendment to the juvenile justice legislation rather than to IDEA seems to be a sensible approach and we support it.

Please share our support with your colleagues and, again, thank you for all work on behalf of children with disabilities.

LEARNING DISABILITIES ASSOCIATION OF AMERICA,

Pittsburgh, PA, May 17, 1999.

DEAR SENATOR: As President of LOA, the Learning Disabilities Association of America, a national non-profit volunteer organization dedicated to a world in which all individuals with learning disabilities thrive and participate fully in society, I ask you on behalf of all children with disabilities to:

Oppose the Ashcroft/Frist Amendment to the Mental Health Juvenile Justice Act (S254) now being debated on the Senate floor. This amendment, which would allow local schools to deny educational services, including special education, to a child with a disability who carries to or possesses a gun or firearm in school or a school function, would not reduce violence in schools and society. Testimony of law enforcement agencies during the IDEA reauthorization process pointed out that expelling or suspending troubled children without educational services results in increased juvenile crime in the short term and increased drop out rates, incarceration rates, and drug use in the long term.

Support the Harkin Amendment to the Mental Health Juvenile Justice Act (S254) which clarifies that, under IDEA 97, school can and should remove students with disabilities who bring guns to school. Moreover after being in an alternative educational placement for up to 45 days, the IEP team may decide to move the child to a placement other than the school in which the infraction occurred. The Harkin Amendment also reaffirms that nothing in IDEA prohibits a school from reporting a crime to appropriate authorities.

I would like to point out that none of the children responsible for the eight school tragedies in the past two years was a special education student being served under IDEA. However, it is also apparent that appropriate mental health interventions might have prevented some of these tragedies.

Thank you for your consideration.

Sincerely,

HARRY SYLVESTER,
President.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. One minute 7 seconds.

Mr. HARKIN. I have used up 14 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FRIST addressed the Chair.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. FRIST. Mr. President, I yield myself 8 minutes.

This will be the last few minutes that I have to speak on the Frist-Ashcroft amendment and, thus, I want to, for the sake of my colleagues and others who are listening, explain what the amendment is about.

This amendment is very simple. It is about two things: No. 1, the safety of all students; and No. 2, equal treatment of children.

I have a letter from the National School Boards Association. As most people know, it represents 95,000 local school board members.

I will read from the first paragraph of the letter:

> On behalf of the Nation's 95,000 local school board members, the National School Boards Association urges you to support the Frist-Ashcroft amendment to S. 254 that would enhance the safety of all students from gun violence. The amendment provides school officials with the discretion to suspend or expel students covered by the Individuals with Disabilities Education Act in the same manner as other students in cases where they bring firearms to school.

My colleagues, this amendment is about the safety of all students and the equal treatment of children.

Yesterday, we had a very good debate, I thought, on the substance of the amendment. I gave my remarks yesterday, and I wish to also refer today to some statistics that I obtained not too long ago from my own county, Davidson County.

For the 1997–1998 school year there were eight children in my home county who brought either a gun or a bomb to school, eight in that 1 year. Of those eight, six were special education students. What happened? The two who were not special education students, because of the zero tolerance policy in Tennessee, were expelled. They were out for the remainder of the year.

Of the six special education students, three were back in class. These are individuals who brought a bomb or a gun into the classroom already.

Three of them were kept out of school. Why? Because their disability and bringing a gun to school were unrelated. But three of the eight had this manifestation process, and because of the disability, they were treated in a special way and allowed back into the classroom.

Yesterday I was caught a little off guard, and I do not like that, I really do not like that. And I do not think the

Senator from Iowa meant to say what he said. But he said those statistics don't count. And then I said, well, let's look at 1999, He said, no those statistics don't count. And I said Why? And he said basically because the regulations just came out and we fixed that loophole.

That bothered me, so what I did was go back and call to see really when this law took place, the law that is operating today. I found something very different, exactly the opposite of what the Senator from Iowa told all of his colleagues. And I want to straighten that out for the RECORD. It is very, very important.

The Senator from Iowa argued yesterday that the statistics where individuals with disabilities ended up back in the classroom within 45 days of having brought a gun to the schoolroom don't apply and that loophole had been fixed. I found something very, very different.

In fact, the IDEA amendments of 1997 were signed into law on June 4, 1997. The Senator from Iowa and I were both there. It was a good day. We were both there. Yes, the regulations were written. And it really took too long, they just came out a few months ago. The implication yesterday by the Senator from Iowa was that they were written only recently and, therefore, so they could not apply.

In looking a little closer, the IDEA amendments were signed into law on June 4, 1997. And on June 4, 1997, section 615, the discipline provisions, went into effect that day. So every statistic that I have given for the last 2 years shows repetitively individuals with disabilities, because of this special treatment, it is not their fault, it is the fault of the law that they are ending up back in the classroom. These are individuals who brought a gun or a bomb to school.

Again, I was very disappointed, because again and again he said on the floor yesterday and I went back to the RECORD again last night and found that the Senator from Iowa said: ''I say to the Senator from Tennessee, that the school he is talking about was still operating under the old system.''

Not true. Not true. We talked to the director of high schools for Nashville, Davidson County, and the director stated very specifically that every school in the Davidson County was operating under the IDEA amendments of 1997 under advisement of their lawyers. In fact, let me read from the bill that we signed last year. The 1997–1998 school year applied on June 4.

This is from the bill that we signed on a great day, on June 4, 1997. It says: ''Effective dates, these shall take effect upon enactment of this act,'' on that day in June 1997.

So all the statistics of eight individuals were relevant. Two were expelled because they did not have a disability and of the six who had a disability, three were back in the classroom within 45 days. That is the loophole. Why am I concerned? Just because somebody has not been killed yet because of this loophole, I am not going to wait around until somebody has been killed. I want to prevent that from happening. This amendment is about the safety of all students and to have all students treated fairly.

The amendment closes the loophole that I just pointed out. I have demonstrated factually it is occurring in this legislation. So I want to dismiss all of the arguments the Senator from Iowa made yesterday when he said it is not a problem.

This amendment will, in its ultimate passage, end the mixed message that the Federal Government, that we in this body, send to American students on the issue of guns in school.

Under IDEA, a student with a disability who is in possession of a firearm at school is treated differently from anybody else. Our amendment says very simply that if you bring a gun or a firearm to the school, you, as a student, are going to be treated the same, and you are going to be treated by the local principal or other authorities in the school.

Our amendment allows principals or other qualified school personnel the flexibility to treat every student who brings a gun or a firearm or a bomb into the classroom the very same.

Our amendment does not enforce any sort of uniform policy. We might like to think that we in Washington can set good school policy, but this shows how dangerous that can be by trying to set a uniform policy here for some subset of students.

The PRESIDING OFFICER. The Senator from Tennessee has used 8 minutes.

Mr. FRIST. I yield myself 1 more minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FRIST. Mr. President, the amendment is a simple amendment: Equal treatment for each and every student who brings a firearm, a gun or bomb, to school. It is an amendment which will have an impact, I believe, help individuals in terms of safety in our schools.

The amendment closes a loophole, a loophole that I have definitively demonstrated does occur in our schools. If a student brings a gun to school, they, if our amendment is agreed to, will be treated the same regardless of their educational status.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. FRIST. Mr. President, I yield 7 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator has 6 minutes 18 seconds remaining.

Mr. ASHCROFT. Thank you, Mr. President.

I thank the Senator from Tennessee for his leadership on this issue. I began to be concerned about students carrying guns in and out of our schools quite some time ago. On the Ed-Flex bill, which passed this Senate just a couple months ago, I put an amendment to close another loophole which would allow students who possessed guns in school—not just carried guns to school—to be removed from the school environment.

This responsibility for us to close these loopholes is a serious one. It is a responsibility that relates to school safety. That is what we are talking about here. School safety is a responsibility that we can work hard on, and I am glad Senator FRIST of Tennessee and I have been able to join on this amendment.

It should not have taken this long. This is a simple amendment. This amendment merely allows local schools to treat all children who bring guns to school in the same manner. It does not target children with disabilities—simply not so. It protects children with disabilities. This is not a matter of scapegoating. This does not say that any group of students is subject to more severe punishments than any other group of students.

This is a bill that provides for equity, simply saying that principals and superintendents should have the power, without interference from the Federal Government, to remove students from school who come to school with a firearm, an explosive or a gun. I believe we need to make sure we close the loophole in the Federal law that made it very difficult to discipline certain students who came in that setting.

There are those who say: Well, the law is this way and the law is that way. And they will argue about how the law is applied here in the Senate Chamber. We have a lot of experience from around the country about how the law is applied in the schools. The Senator from Tennessee has eloquently spoken to the fact that as applied in the schools, you frequently find that individuals who, if they were not the subject of an individualized education program, would be gone for a year because of a mandated expulsion, are back in the classroom within 45 days, in spite of the fact that they brought a gun or a bomb to school.

It is simply our intention to let local school boards and school officials decide how they should be able to make the school a safe place and not to reinsert a student in the school environment who has threatened the safety and security of the school by bringing a bomb or a gun to school. We must have zero tolerance for guns in school. I think we must let school officials decide on discipline policies.

We should not have taken this long on this amendment, but I am glad that we are at this point.

After we vote on this amendment, there is a consent decree which is going to allow the Harkin amendment to be voted on.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

Mr. ASHCROFT. Mr. President, I yield myself 2 minutes of the remaining 3 and ask to be notified.

The Harkin amendment makes the current law even worse by imposing a new requirement upon schools that they couldn't remove any child for bringing a gun to school unless they provide special services to the child. I will oppose this amendment.

When you tell people that you will make them special for bringing a gun to school, I think you do a great disservice. You are not making victims out of people by pulling them out of school. You are not making them unsafe. If you tell them clearly that if they bring a gun to school that they are not going to be allowed to stay in school, you will make them safer, and you will make the school safer.

This is a school safety issue. It is an issue that requires our attention. The simple fact of the matter is, the current law, as applied and as implemented, is a real impediment to school safety.

There will be arguments that we have yet to have a student shoot someone under these circumstances. I can tell you that we have come very close. I talked to one school superintendent in my State who had such a student threaten seven other students in the classroom, to kill them. When the student finally shot one of the other students, it wasn't in the classroom. It was off the school premises so that it really didn't qualify under IDEA. But we don't have to wait until there is blood on the blackboard or on the floor of the classroom in order to take steps to make sure we don't have guns in the classroom.

The truth of the matter is, we should simply and clearly make it possible on an equal footing to say that no matter who the student is, there are no excuses, there are no special exceptions; if you bring a gun to school, the local school authority should have the opportunity to take that student and to remove that student without regard to other status.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. ASHCROFT. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. How much time remains?

The PRESIDING OFFICER. The Senator has 1 minute 4 seconds.

Mr. HARKIN. Mr. President, I yield myself the remainder of my time.

There is no loophole here. The equity they keep talking about is an equity for danger. We keep hearing they are for safety in schools. We all are for safety, of course.

Why is the National PTA opposed to this amendment? Why are 500 police leaders around the country opposed to this amendment? Why is the National Association of the State Boards of Education opposed to this amendment? Because they all know that the amendment we are about to vote on is a recipe for disaster.

It will increase crime. It will increase drug use. It will increase the dropout rate. Why? I am really disappointed that anyone would say that we can take these kids who have severe problems, kick them out of school and cut off all supporting services and make communities safer. The police chiefs who have to deal with the aftermath know better. That is why they are opposed to this amendment. We know more than they do, and the Parent Teacher Association? Why are they opposed to the Ashcroft-Frist amendment? Because they realize it is a formula for disaster. That is what it is.

This is a dangerous, dangerous amendment and I strongly urge my colleagues to vote against it.

Mr. President, after the vote on this amendment—by unanimous consent—the Senate will adopt the Harkin amendment. This is an amendment I have drafted and is cosponsored by the distinguished ranking member of the HELP committee, Senator KENNEDY. Our amendment is supported by the police and other groups who oppose the Frist-Ashcroft amendment because it would make schools and communities safer. I'd like to say a few words about it and its intent.

Passage of our amendment is very important. It is very important, because it requires that all children—whether they have a disability or not—are not just dumped in the streets after they commit an act of violence, including bringing a gun or firearm to school. Our amendment would require that schools provide immediate and appropriate supervision, tracking, educational, behavioral, health and related services to these children in order to reduce the likelihood that the child will repeat their anti-social and dangerous behavior. The interventions would be tailored to the individual child. This is absolutely critical and is demonstrated to actually make a difference. It will save lives and money in the long run. It makes common sense.

The Harkin amendment also authorizes the funds necessary to assist our schools in providing this critical intervention.

So passage of the Harkin-Kennedy amendment—which will occur by voice vote after this roll call vote on the Frist-Ashcroft amendment—is a very important amendment. Its adoption puts the Senate on record as supporting the recommendations and pleas of the police, parents and teachers.

Mr. JEFFORDS. Mr. President, I rise in opposition to the Frist-Ashcroft amendment pertaining to the Individuals with Disabilities Education Act, IDEA. I respect my colleagues' intentions. They want to make schools safer. Their amendment would not make schools safer, nor the sidewalks leading to the schools, nor their communities.

Their amendment would allow a child with a disability caught with a gun or a firearm, whether he knew what he was doing or not, to be suspended or expelled without educational services.

If a child with a disability—if any child for that matter—is suspended or expelled for having a gun or firearm in school and subsequently not provided with educational services and adult supervision—Would schools be safer? Would communities be safer? Given what happened outside of Atlanta today, we must shift the debate. Yesterday, our colleagues from Tennessee, Missouri, and Iowa debated if, and for how long, a child with a disability could be removed from his school if he brought a firearm to school. I think they agreed that under IDEA and under the Frist-Ashcroft amendment a child with a disability could be removed from his school.

The crux of the remaining disagreement was services—why a child with a disability who brings a gun to school should get services, while his peer without a disability in the same situation, would not get services. We don't solve anything by kicking any child out of school without educational services.

There are two letters of opposition to the Frist-Ashcroft on your desk. One is from the National Association of State Boards of Education and one from the National Parent Teacher Association. They make that simple point very well.

Ask yourself this question—If you could prevent a child from committing a violent act for the first time or a second time, by providing appropriate services, what would you do? The answer is obvious. You would provide the services—to make your school safe, to make your community safe, but most importantly, to save the child.

In the rare instances when it occurs, IDEA provides schools with the tools to control and prevent gun and firearm use by children with disabilities. IDEA recognizes and promotes school safety. IDEA recognizes and promotes teaching consequences for wrongful behavior. IDEA recognizes and promotes adult supervision of, engagement with, and responsibility for children who break school rules or criminal laws.

I would like to review some key facts about IDEA. IDEA permits school officials to immediately suspend a child with a disability with a gun or firearm for 10 days without educational services. During that time, a manifestation determination review must be conducted. First, to determine if the child with a disability understood the impact and consequences of having a gun or firearm. Second, to determine if the child's disability did or did not impair the child's ability to control his behavior.

In effect, if the child knew what he was doing, the law allows the child to be disciplined in the same manner as other children caught with guns or firearms. One distinction applies. This child with a disability, perhaps unlike his peers, would continue to receive educational services. However, school

officials have total discretion over the details associated with providing these educational services.

If a manifestation determination review establishes that the child did not know what he was doing, the child could still be removed from his classroom and school and placed in an interim alternative educational setting for 45 days. After 45 days, if the child continued to be dangerous, the child's placement in the interim alternative educational setting could be extended with the concurrence of a hearing officer.

In the wake of the tragedy in Littleton, Colorado, in the wake of Atlanta, hearing officers will give substantial deference to claims from school officials that a child with disabilities continues to be dangerous. Concurrence of a hearing officer at 45 day intervals is a reasonable standard and an appropriate check and balance on the continued use of an interim alternative educational setting.

There is no forum or procedures for due process in the Frist-Ashcroft amendment. How is a child with a disability to prove his innocence? If expelled without education services for 12 months, what will be the impact on the child's family? What will be the reaction of the child's next teacher? What will be the impact on the child's neighborhood? What will be the impact on this child as an adult?

The real driving force behind the Frist-Ashcroft amendment is the obligation to provide services, and not school safety. Local school districts do not want the responsibility for paying for new services. If school districts do not now have interim alternative educational settings that can accommodate children with disabilities, they do not want to spend money to create them. If school districts do not now have home-based programs or alternative school programs, they want additional money to have them.

School districts do not see a windfall of new Federal dollars on the horizon. So in the name of school safety, they bless the Frist-Ashcroft amendment. In the name of school safety, school districts say it is acceptable for Federal policy to close the school house door on the back of a child with a disability, whether the child knew why the door slammed shut or not. In the name of school safety, they say it is acceptable for Federal policy to leave open whether any agency gives the child and the child's family help, so that they can recover from a gun or firearm episode that profoundly altered their lives.

Helping children and their families in these situations is a community responsibility. Schools are part of communities. They must do their part. Other agencies and organizations must do their part. To abdicate responsibility or shift responsibility is not acceptable. It makes no sense.

All parents want their children to be safe in school and out. All parents want their children to have due process when they are accused of wrong doing. All parents want their child's education to continue, even if their child did wrong.

Are we going to disregard some of America's most vulnerable children in the name of political expediency, by pretending that the Frist-Ashcroft amendment will make schools and communities safer.

In an ideal world, we would find a way to work together to develop or expand, and fund, local agencies and organizations that would work collaboratively to assist families and children in crisis, so that the crisis does not reoccur.

In an ideal world, teachers and administrators in America's schools would be thoroughly versed in the referral procedures associated with IDEA; and, if IDEA were fully funded, tragedies with guns and firearms could be prevented.

We don't have an ideal world, but we must try to make a positive difference, one day at a time, especially in the lives of children.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Missouri.

Mr. ASHCROFT. I yield myself such time as I have remaining.

Mr. President, the Senator from Iowa indicates there is not a loophole here. Well, it is strange to me, but the statistics indicate otherwise.

One county in Tennessee, clear evidence, Davidson County, the home of the Senator from Tennessee, Mr. FRIST, four people who squeezed through the nonexistent loophole were back in class within 45 days in that setting.

I think we have to make sure that that nonexistent loophole, if that is what we are talking about, gets closed. It is impossible to have people coming through a door that is not there. There is a loophole that needs to be shut.

Last but not least, it is no accident that the National School Boards Association wants us to pass this. This isn't discriminating against one class of students or in favor of another. It simply says our priority for learning has to be a safe and secure school environment. This particular amendment would enhance the safety of all students from gun violence, according to the National School Boards Association.

I urge my colleagues to vote in favor of this amendment.

The PRESIDING OFFICER. All time has expired.

The question is on agreeing to amendment No. 355. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 74, nays 25, as follows:

[Rollcall Vote No. 137 Leg.]

YEAS—74

Abraham	Enzi	Lott
Allard	Feinstein	Lugar
Ashcroft	Fitzgerald	Mack
Baucus	Frist	McConnell
Bayh	Gorton	Murkowski
Bennett	Graham	Nickles
Biden	Gramm	Robb
Bingaman	Grams	Roberts
Bond	Grassley	Rockefeller
Breaux	Gregg	Roth
Brownback	Hagel	Santorum
Bryan	Hatch	Sessions
Bunning	Helms	Shelby
Burns	Hutchinson	Smith (NH)
Byrd	Hutchison	Smith (OR)
Campbell	Inhofe	Snowe
Cochran	Johnson	Specter
Collins	Kerrey	Stevens
Conrad	Kerry	Thomas
Coverdell	Kohl	Thompson
Craig	Kyl	Thurmond
DeWine	Landrieu	Torricelli
Dodd	Levin	Voinovich
Domenici	Lieberman	Warner
Dorgan	Lincoln	

NAYS—25

Akaka	Harkin	Murray
Boxer	Hollings	Reed
Chafee	Inouye	Reid
Cleland	Jeffords	Sarbanes
Crapo	Kennedy	Schumer
Daschle	Lautenberg	Wellstone
Durbin	Leahy	Wyden
Edwards	Mikulski	
Feingold	Moynihan	

NOT VOTING—1

McCain

The amendment (No. 355) was agreed to.

Mr. HATCH. I move to reconsider the vote.

Mr. DASCHLE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 368

(Purpose: To provide appropriate interventions and services to children who are removed from school, and to clarify Federal law with respect to reporting a crime committed by a child)

Mr. HATCH. Mr. President, we now turn to the Harkin amendment.

Mr. LEAHY. Mr. President, I believe if the Senator from Iowa will send his amendment to the desk, it will be accepted.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Iowa Mr. HARKIN, for himself and Mr. KENNEDY, proposes an amendment numbered 368.

Mr. HATCH. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end, add the following:

SEC. ___. APPROPRIATE INTERVENTIONS AND SERVICES; CLARIFICATION OF FEDERAL LAW.

(a) APPROPRIATE INTERVENTIONS AND SERVICES.—School personnel shall ensure that immediate appropriate interventions and services, including mental health interventions and services, are provided to a child removed from school for any act of violence, including carrying or possessing a weapon to or at a school, on school premises, or to or at a school function under the jurisdiction of a

State or local educational agency, in order to—

(1) to ensure that our Nation's schools and communities are safe; and

(2) maximize the likelihood that such child shall not engage in such behaviors, or such behaviors do not reoccur.

(b) CLARIFICATION OF FEDERAL LAW.—Nothing in Federal law shall be construed—

(1) to prohibit an agency from reporting a crime committed by a child, including a child with a disability, to appropriate authorities; or

(2) to prevent State law enforcement and judicial authorities from exercising their responsibilities with regard to the application of Federal and State law to a crime committed by a child, including a child with a disability.

(c) AUTHORIZATION OF APPROPRIATIONS.—

(1) AUTHORIZATION.—There are authorized to be appropriated to pay the costs of the interventions and services described in subsection (a) such sums as may be necessary for each of the fiscal years 2000 through 2004.

(2) DISTRIBUTION.—The Secretary of Education shall provide for the distribution of the funds made available under paragraph (1)—

(A) to States for a fiscal year in the same manner as the Secretary makes allotments to States under section 4011(b) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7111(b)) for the fiscal year; and

(B) to local educational agencies for a fiscal year in the same manner as funds are distributed to local educational agencies under section 4113(d)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7113(d)(2)) for the fiscal year.

Mr. ASHCROFT. Mr. President, in our amendment, which we just passed in the Senate, Senator FRIST and I proposed important changes to federal law to give schools more authority to remove from the classroom any student who brings a gun or firearm to school. Schools need current federal barriers removed so that they can preserve a safe and secure classroom for our children.

The Senator from Iowa has proposed an amendment which makes it even more difficult for schools to remove any dangerous student—including one who brings a gun to school—from the classroom. I rise to state my opposition to the Harkin amendment.

The Harkin amendment makes the current law even worse by imposing a new requirement upon schools when they desire to remove any child—disabled or non-disabled—from the classroom for bringing a gun or firearm to school, or for committing any act of violence.

The Harkin amendment takes the unprecedented step of telling schools across the country that if they want to remove any child from school—even a nondisabled student—for possessing a weapon, or for committing any act of violence, schools must provide the child with ''immediate appropriate interventions and services, including mental health interventions and services,'' in order to ''maximize the likelihood that such child shall not engage in such behaviors, or such behaviors do not reoccur.''

This amendment would overturn the discipline policies of schools across the nation, and intrude upon the right of parents, teachers, school administrators, school boards, to set their own discipline policies regarding weapons and violence in schools. Not only this, but it jeopardizes the ability of schools to remove any student from class who has a gun or firearm, and prevents them from keeping their schools safe.

The Harkin amendment would also handcuff schools even more than the current IDEA law does regarding removal of disabled students who possess weapons.

The Harkin amendment says that a school that takes action to remove a child with a weapon from school ''shall ensure that immediate appropriate interventions and services, including mental health interventions and services,'' are provided to the child. This is a new requirement in addition to current IDEA law.

Current IDEA law requires that a school that removes a child from the regular classroom for 45 days for a weapons possession must already conduct a series of procedures in connection with the removal. Let me describe some of these procedures.

First, a school must conduct a functional behavioral assessment. Second, it must implement or modify a behavioral intervention plan for the child. Included in this is the requirement that the IEP team must meet to develop or modify an assessment plan to address the behavior at issue. Third, the school must conduct a manifestation determination review to determine if the child's disability caused the behavior at issue.

The Harkin amendment adds yet another requirement to the list of procedures that a school must undertake when removing a child with a weapon from the classroom, by requiring that schools ''ensure that immediate appropriate intervention and services, including mental health interventions and services,'' are provided to the child. Why do we need to handcuff schools even more with another procedure?

Additionally, the amendment says that these additional interventions and services must be provided ''in order to maximize the likelihood that such child will not engage in such behaviors, or such behaviors do not reoccur.'' We are not simply asking the schools to try to reduce the likelihood of reoccurring behavior: we are requiring them to maximize that likelihood.

School principals, administrators, teachers, school boards, and parents have told me about how difficult the current IDEA makes it to discipline students, and especially in the case of guns and firearms.

Senator HARKIN's amendment adds yet another layer of procedure. Rather than providing schools with more authority to take actions school officials deem appropriate to maintain a safe and secure classroom free from guns and firearms, Senator HARKIN's amendment is going backwards from current law by imposing more federal responsibilities.

The Harkin amendment's attempt to provide funding for the new procedures required under the amendment is disingenuous.

The amendment authorizes ''such sums as may be necessary for each of the fiscal years 2000 through 2004'' to pay for the ''interventions and services'' that schools must conduct before they can remove a student with a gun from school. If the Senator from Iowa and others were unwilling to vote for giving schools more IDEA funding during debate on the ed-flex bill earlier this session, what makes us think they really would provide more funding at this time?

In conclusion, the Harkin amendment actually makes current law worse by imposing a new set of requirements on schools when they need to remove any child with a firearm from the classroom. He would require schools to provide ''interventions and services'' to non-disabled students who are expelled for bringing a gun to school. And, he imposes a new requirement upon schools that take action to remove IDEA students from school for weapons possession.

At a time when parents, teachers, school officials, and our children are asking for help in keeping our classrooms safe, we cannot afford to take a step backward and further handcuff schools from taking steps to get guns out of schools. We need to move forward by giving schools more authority to get—and keep—firearms out of the classroom. For these reasons, I oppose the Harkin amendment.

Mr. KENNEDY. Mr. President, I rise to support Senator HARKIN in his amendment to reduce juvenile crime by helping schools to maintain safe environments while ensuring that troubled students get the help they need.

Students who bring guns or other dangerous weapons to school should be removed. But they should also be provided with the appropriate interventions and services.

This amendment clearly supports the removal of a child from school who carries or possesses a weapon, including a child with a disability.

This amendment clearly supports an agency reporting a crime committed by a child, including a child with a disability, to the appropriate authorities.

This amendment clearly supports law enforcement and judicial authorities in exercising their responsibilities with regard to crimes committed by a child, including a child with a disability.

But this amendment, unlike the Frist-Ashcroft amendment, will ensure that immediate, appropriate interventions, including mental health services, are provided to a troubled child.

We know that when educational services for students are stopped, those students show increased drop out rates, increased drug abuse, and increased rates of juvenile crime and incarceration.

I urge all my colleagues to vote in favor of the Harkin-Kennedy amendment. It will help to ensure that our schools remain conducive to learning and our communities remain safe.

Mrs. LINCOLN. Mr. President, today I'm pleased to join my colleagues Senator HARKIN and Senator WELLSTONE in offering an amendment that will help reduce crime and violence in our nation's schools.

This amendment specifically addresses the issue of our children's emotional well-being, and what we as a nation, can do to provide schools with the necessary resources to help our kids.

The lives of America's children are very different than they were 20, 30 or 40 years ago. Before our children reach their teenage years, they've already been exposed to drugs, alcohol, violent movies and a general culture of violence that influences their thoughts and actions.

Many have expressed that they are even desensitized to violence in their everyday lives.

And today's students bring more to school than just backpacks and lunch boxes. They bring severe emotional problems.

They disrupt classes, they have difficulty learning, they suffer from depression, and they fight with teachers and students.

And when they do not know how to deal with their feelings of anger and rage, they may even kill.

Since the school shooting a year ago in Jonesboro, I have been grappling with ideas to ensure that this type of tragedy never happened again. Unfortunately, it did happen again and we as a nation have got to act.

Children should not be afraid to go to school in the morning and parents should not be scared to send them there. Studies show that 71% of children ages 7 to 10 say they are worried they will be stabbed or shot while at school.

The Department of Education reported that in 1997, there were approximately 11,000 incidents nationally of physical attacks or fights in which weapons were used.

I don't claim to have all the answers on how to help our children, but I do think we should do more to get to the root of the problem.

We've got to look at the source of this problem; we must come up with some kind of preventive medicine, rather than using a haphazard Band-aid approach.

Metal detectors and controlling access to guns can hinder their ability to act out, but doesn't address their illness to begin with.

And as the tragedies in Jonesboro, Paducah and most recently as the horror in Colorado has shown us—while much of our country is prospering economically, we cannot allow our country's economic success cause us to ignore our social ills.

We can train our children to use computers, to analyze stocks and to meet the economic challenges of the new millennium. But if we do not address their emotional needs or teach them the value of human life, then what have we accomplished?

As Theodore Roosevelt said, ''To educate a man in mind and not in morals is to educate a menace to society.''

Together, we must call for improvements, changes and accountability. This can be done, and it must be done.

We can install more metal detectors and surveillance cameras in schools, but we won't get to the root of the problem. The youth of America are suffering and all the increased security in the world may ease our minds, but it won't solve their problems.

The United States Congress can lead the way. We can take common-sense steps to see that tragedies like those in Colorado and Jonesboro become a distant, painful memory.

I've traveled all over my home state of Arkansas talking with educators and school administrators about what's happening in our schools.

The one common denominator—the one thing they all tell me is—''We need more counselors in our schools. We need more qualified mental health professionals to adequately deal with the enormous and overwhelming problems kids have today.''

The National Institute of Mental Health estimates that although 7.5 million children under the age of 18 require mental health services, fewer than 1 in 5 receive it.

The Harkin/Lincoln/Wellstone amendment calls for $15 million in authorizing funds for FY 2000. In order for these services to reach children at a younger age, this money must be spent in elementary schools.

Only qualified mental health professionals may be hired with this funding. Fortunately, these funds are eligible to urban, suburban and rural local school districts. As we all know, rural and suburban areas need our help as much as inner city schools.

The additional school counselors, psychologists and social workers will work hand-in-hand with an advisory board of parents, teachers, administrators and community leaders to design and implement counseling services.

School counselors will involve the parents of children who receive services so parents can be more involved in the development and well-being of their children.

This legislation will help accomplish that and will allow teachers to focus more on a student's skills at writing and arithmetic, rather than on his or her potential for violence.

I will fight to see that this legislation passes, so we can begin to make changes happen in my home state and across our country now, and not wait until the next tragedy. I hope my colleagues will work with me in that effort.

Mr. President, I ask unanimous consent that an article by Doug Peters of the Arkansas Democrat Gazette regarding teen death be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Arkansas Democrat Gazette, May 18, 1999]

STATE'S TEEN DEATH RATE NEAR TOP IN U.S., STUDY SAYS

(By Doug Peters)

Being a teen-ager is risky, no matter where you are.

In Arkansas, it can be downright dangerous.

Only two states and the District of Columbia had higher rates of teen-age deaths by accident, homicide or suicide in 1996, according to a study of childhood risk factors released today by the Annie E. Casey Foundation.

According to the Kids Count 1999 study, 181 Arkansas teen-agers between 15 and 19 died of such causes in 1996, for a rate of 94 deaths per 100,000. Arkansas' rate is more than 50 percent higher than the national rate of 62 deaths per 100,000 teen-agers.

And while the national rate decreased slightly between 1985 and 1996, Arkansas' rate increased by 16 percent.

Only Mississippi, Wyoming and the District of Columbia had higher teen-age death rates in 1996, the most recent year statistics were available for all states and the District of Columbia.

Dr. Bob West, a pediatric medical consultant for the state Department of Health, said Arkansas' increase appeared to be caused by increasing numbers of teen suicides and homicides.

Between 1985 and 1989, Arkansas averaged 18 suicides and 15 homicides a year among 15 through 19-year-olds, according to Health Department statistics. In 1996, 32 Arkansans in that age group committed suicide. Another 32 were murdered.

Arkansas traditionally has a high rate of accidental deaths among teen-agers, West said. And although the number of traffic deaths among 15 through 19-year-olds dropped from an average of 95 a year between 1985 and 1989 to 85 in 1996, the state's rate remains significantly higher than the national average.

Traditionally, Arkansas accidental death rates run about 40 percent above the national average, West said.

West said that accidents in rural areas sometimes turn fatal because of a lack of nearby trauma services. But location isn't the only factor, he said. Attitude also may play a role.

Some people, he said, simply don't see accidents as being preventable.

''I think there are a lot of folks who think, 'If it happens, it happens,' '' West said. ''There doesn't seem to be the willingness to do the kind of things that will keep you safe'' such as wearing seat belts or installing smoke detectors.

The dismal teen-age death rate helped Arkansas slip to 43rd overall in the Kids Count rating, an annual state-by-state ranking of risk factors to children's well-being. Arkansas ranked 41st last year.

The survey wasn't all bad news, though.

Mr. HARKIN. Mr. President, four weeks ago, an unspeakable act of violence occurred at Columbine High School in Littleton, Colorado when 12 innocent students, a heroic teacher and the two student gunmen were killed. This incident was the 8th deadly school shooting in 39 months.

The tragedy at Columbine High School is still very fresh in our minds

and our hearts. Our thoughts and prayers remain with the people of Littleton, Colorado.

The students of Columbine have returned to classes in a neighboring school. They have taken an important first step in the healing process. Unfortunately, the scars of this tragedy will remain with them, their families, the Littleton community and the nation for a long time to come.

In the aftermath of this most recent school shooting, we must examine the causes of the outbreak of violence and work on initiatives that will prevent such occurrences in the future.

During the course of the debate on the pending legislation, Juvenile Justice Bill we have already discussed many of the issues related to violence. We must examine the impact that movies, music, television and video games have on outbreaks of violence. We must also curtail the easy access to guns that enable individuals to commit such acts of violence.

We must also talk about how we can prevent such heinous acts from happening again. I would like to take a few moments to discuss one innovative program that can help us prevent violent acts from happening in the first place.

Two weeks ago, the Senate Health, Education, Labor and Pensions Committee, of which I am a member, held a hearing on the important topic of school safety. We heard testimony from many experts about the extent of the problem and began an important search for solutions so that it will never, ever happen again.

One of the witnesses was Jan Kuhl, the Director of Guidance and Counseling for the Des Moines School District. Jan talked about an innovative elementary school counseling program called Smoother Sailing and the impact the program has had on students in the Des Moines schools.

Smoother Sailing operates on a simple premise—get to kids early to prevent problems rather than waiting for a crisis. As a result, the district more than tripled the number of elementary school counselors to make sure that at least one well-trained professional is available in every single elementary school building.

Smoother Sailing began in 1988 as a pilot program in 10 elementary schools. The program increased the number of counselors in the elementary schools so there is one counselor for every 250 students—the ratio recommended for an effective program. The participating schools began seeing many positive changes.

After two years, the schools participating in Smoother Sailing saw a dramatic reduction in the number of students referred to the office for disciplinary reasons.

During the 1987–88 school year, 157 students were referred to the office for disciplinary action. After two years of Smoother Sailing, the number of office referrals in those schools dropped to 83—a 47% reduction in office referrals.

During the same period, Des Moines elementary schools with a traditional crisis intervention counseling program had only a 21% reduction in office referrals.

There were other changes as well. Teachers in Smoother Sailing schools reported fewer classroom disturbances and principals noticed fewer fights in the cafeteria and on the playground. The schools and classrooms had become more disciplined learning environments. It was clear that Smoother Sailing was making a difference so the counseling program was then expanded to all 42 elementary schools in Des Moines in 1990.

Smoother Sailing continues to be a success.

Smoother Sailing helps students solve problems in a positive manner. Assessments of 4th and 5th grade students show that students can generate more than one solution to a problem. Further, the types of solutions were positive and proactive. We know that the ability to effectively solve problems is essential for helping students make the right decisions when confronted with violence or drugs.

Smoother Sailing gets high marks in surveys of administrators, teachers and parents. They report a high degree of satisfaction with the program.

95% of parents surveyed said the counselor is a valuable part of my child's educational development. 93% said they would seek assistance from the counselor if the child was experiencing difficulties at school.

Administrators credit Smoother Sailing with decreasing the number of students suspensions and referrals to the office for disciplinary action. In addition, principals report that the program is responsible for creating an atmosphere that is conducive to learning.

Experts tell us that to be effective, there should be at least one counselor for every 250 students. Unfortunately, the current student-counselor ratio is more than double the recommended level—it is 531:1. That means counselors are stretched to the limit and cannot devote the kind of attention to children that is needed.

In most schools, the majority of counselors are employed at the middle and secondary levels. Therefore, the situation is more acute in elementary schools where the student to counselor ratio is greater than 1000:1. I ask unanimous consent that a copy of this table be inserted in the RECORD at this point.

Smoother Sailing was the model for the Elementary School Counseling Demonstration Act, a section of the Elementary and Secondary School Act.

It reauthorizes the program and authorizes $15 million to establish more effective elementary school programs.

The amendment I am offering with Senators LINCOLN and WELLSTONE is supported by several organizations—the American Counseling Association, the American School Counseling Association, the American Psychological Association the National Association of School Psychologists, the School of Social Work Association of America and the National Association of Social Workers.

Mr. President, CNN and USA Today recently conducted a public opinion poll of Americans. They asked what would make a difference in preventing a future outbreak of violence similar to those that have occurred over the past 39 months.

The leading response was to restrict access to firearms. The second most popular response—a response selected by 60% of those polled—was to increase the number of counselors in our nation's schools.

We should heed the advice of the American people. We have a desperate need to improve counseling services in our nation's schools. Our amendment is an important first step in addressing this critical issue and I urge my colleagues to support the amendment.

I ask unanimous consent a table of U.S. counselor-to-students ratios be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

U.S. COUNSELOR-TO-STUDENT RATIOS

[Maximum recommended ratio (250:1)]

U.S. States	Number of—		Counselor-to-student ratio [1]
	Students	Counselors	
Alabama	780,999	1,688	463:1
Alaska	136,196	231	590:1
Arizona	864,226	1,046	826:1
Arkansas	482,590	1,213	398:1
California	6,157,320	5,208	1,182:1
Colorado	723,591	1,121	645:1
Connecticut	569,268	1,123	507:1
Delaware	126,870	221	574:1
District of Columbia	74,395	225	331:1
Florida	2,455,079	4,855	506:1
Georgia	1,398,787	2,472	566:1
Hawaii	213,404	544	392:1
Idaho	256,946	558	460:1
Illinois	2,240,199	2,838	789:1
Indiana	1,083,851	1,735	625:1
Iowa	539,413	1,332	405:1
Kansas	505,870	1,097	461:1
Kentucky	706,820	1,272	556:1
Louisiana	888,620	2,703	329:1
Maine	227,590	593	384:1
Maryland	911,929	1,825	500:1
Massachusetts	1,033,899	2,125	487:1
Michigan	1,849,721	2,943	629:1
Minnesota	925,347	915	1,011:1
Mississippi	551,418	869	635:1
Missouri	1,025,704	2,410	426:1
Montana	175,563	411	427:1
Nebraska	327,982	757	433:1
Nevada	293,979	560	525:1
New Hampshire	219,006	656	334:1
New Jersey	1,408,761	3,231	436:1
New Mexico	362,001	650	557:1
New York	3,211,827	5,467	587:1
North Carolina	1,316,796	3,025	435:1
North Dakota	125,666	263	478:1
Ohio	2,082,841	3,247	641:1
Oklahoma	647,533	1,730	374:1
Oregon	591,539	1,268	467:1
Pennsylvania	2,117,697	3,707	571:1
Rhode Island	170,732	307	556:1
South Carolina	692,743	1,546	448:1
South Dakota	150,243	345	435:1
Tennessee	953,463	1,525	625:1
Texas	3,879,363	8,359	464:1
Utah	490,706	594	826:1
Vermont	110,228	352	313:1
Virginia	1,172,672	3,202	366:1
Washington	1,047,132	1,804	580:1
West Virginia	313,685	604	519:1
Wisconsin	1,004,584	1,884	533:1
Wyoming	101,652	285	357:1

[1] Calculated ratio is based on 1996 data, counting guidance counselors as full-time equivalents. Produced by the American Counseling Association, Office of Public Policy and Information, 5999 Stevenson Avenue, Alexandria, Virginia 22304, Phone 703–823–3800.

Source: "Digest of Education Statistics 1998" U.S. Dept. of Education.

Mr. HATCH. Mr. President, we are prepared to accept the amendment on this side.

Mr. LEAHY. We accept the amendment.

The PRESIDING OFFICER. Under a previous agreement, the amendment is agreed to.

The amendment (No. 368) was agreed to.

AMENDMENT NO. 345, AS MODIFIED

(Purpose: To establish a commission to study the motion picture industry and make recommendations to Congress and the President to promote accountability in the motion picture industry in order to reduce juvenile access to violent, pornographic, or other harmful material in motion pictures)

Mr. BOND. I send a modified amendment to the desk on behalf of myself and Senator DOMENICI, and I ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Missouri [Mr. BOND], for himself and Mr. DOMENICI, proposes an amendment numbered 345, as modified.

Mr. BOND. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 345), as modified, is as follows:

At the appropriate place, insert the following:

SEC. ___. COMMISSION ON ACCOUNTABILITY OF THE MOTION PICTURE INDUSTRY.

(a) SHORT TITLE.—This section may be cited as the ''Motion Picture Industry Accountability Act''.

(b) PURPOSE.—The purpose of this section is to establish a commission to study the motion picture industry and make recommendations to Congress and the President to promote accountability in the motion picture industry in order to reduce juvenile access to violent, pornographic, or other harmful material in motion pictures.

(c) ESTABLISHMENT.—There is established a commission to be known as the ''Motion Picture Industry Accountability Commission'' (in this section referred to as the ''Commission'').

(d) COMPOSITION.—

(1) COMPOSITION.—The Commission shall be composed of 12 members appointed as follows:

(A) Four members shall be appointed by the President.

(B) Four members shall be appointed by the Speaker of the House of Representatives.

(C) Four members shall be appointed by the Majority Leader of the Senate.

(2) CHAIRPERSON.—The Chairperson of the Commission shall be jointly designated by the Speaker of the House of Representatives and the Majority Leader of the Senate from among the members of the Commission.

(3) QUALIFICATIONS.—At least one member of the Commission appointed by each of the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate shall be the parent of a child under the age of 18 years.

(e) COMPREHENSIVE REVIEW.—

(1) IN GENERAL.—The Commission shall conduct a comprehensive review of the motion picture industry with a focus on juvenile access to violent, pornographic, or other harmful materials in motion pictures.

(2) ASSESSMENT.—In conducting the review, the Commission shall assess the following:

(A) How the Federal Government and State and local governments, through their taxing power or otherwise, subsidize, facilitate, or otherwise reduce the cost to the motion picture industry of producing violent, pornographic, or other harmful materials, and any changes that might curtail such assistance.

(B) How the motion picture industry markets its products to children and how such marketing can be regulated.

(C) What standard of civil and criminal liability currently exist for the products of the motion picture industry and what standards would be sufficient to permit victims of such products to seek legal redress against the producers of such products in cases where the content of such products causes, exacerbates, or otherwise influences destructive behavior.

(D) Whether Federal regulation of the content of motion pictures is appropriate.

(E) What other actions the Federal Government might take to reduce the quantity of and access to motion pictures containing violent, pornographic, or other harmful materials.

(f) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Commission shall submit to the President, the Speaker of the House of Representatives, and the Majority Leader of the Senate a report on the review conducted under subsection (e).

(2) RECOMMENDATIONS.—The report may include recommendations of the Commission only if approved by a majority of the members of the Commission.

(g) POWERS.—The Commission may for the purpose of carrying out this section—

(1) conduct hearings, take testimony, issue subpoenas as provided in subsection (h), and receive such evidence, as the Commission considers appropriate;

(2) secure directly from any department or agency of the Federal Government such information as may be necessary for the Commission to carry out the duties of the Commission under this section;

(3) use the United States mails in the same manner and under the same conditions as the departments and agencies of the Federal Government; and

(4) receive from the Secretary of Commerce appropriate office space and such administrative and support services as the Commission may request.

(h) SUBPOENAS.—

(1) IN GENERAL.—If a person fails to supply information requested by the Commission, the Commission may by majority vote require by subpoena the production of any written or recorded information, document, report, answer, record, account, paper, computer file, or other data or documentary evidence necessary to carry out its duties under this section. The Commission shall transmit to the Attorney General a confidential, written notice at least 10 days in advance of the issuance of any such subpoena. A subpoena under this paragraph may require the production of materials from any place within the United States.

(2) INTERROGATORIES.—The Commission may, with respect only to information necessary to understand any materials obtained through a subpoena under paragraph (1), issue a subpoena requiring the person producing such materials to answer, either through a sworn deposition or through written answers provided under oath (at the election of the person upon whom the subpoena is served), to interrogatories from the Commission regarding such information. A complete recording or transcription shall be made of any deposition made under this paragraph.

(3) CERTIFICATION.—Each person who submits materials or information to the Commission pursuant to a subpoena issued under paragraph (1) or (2) shall certify to the Commission the authenticity and completeness of all materials or information submitted. The provisions of section 1001 of title 18, United States Code, shall apply to any false statements made with respect to the certification required under this paragraph.

(4) TREATMENT OF SUBPOENAS.—Any subpoena issued by the Commission under paragraph (1) or (2) shall comply with the requirements for subpoenas issued by a United States district court under the Federal Rules of Civil Procedure.

(5) FAILURE TO OBEY A SUBPOENA.—If a person refuses to obey a subpoena issued by the Commission under paragraph (1) or (2), the Commission may apply to a United States district court for an order requiring that person to comply with such subpoena. The application may be made within the judicial district in which that person is found, resides, or transacts business. Any failure to obey the order of the court may be punished by the court as civil contempt.

(i) PROCEDURES.—The Commission shall meet on a regular basis or at the call of the Chairperson or a majority of the members of the Commission.

(j) PERSONNEL MATTERS.—The members of the Commission shall serve on the Commission without compensation, but shall be allowed travel expenses including per diem in lieu of subsistence, as authorized by section 5702 of title 5, United States Code, when engaged in the performance of the duties of the Commission.

(k) STAFF.—The Commission shall appoint a staff director and sufficient support staff, including clerical and professional staff, to carry out the duties of the Commission under this section. The total number of staff under this subsection may not exceed 10.

(l) DETAILED PERSONNEL.—At the request of the Chairperson of the Commission, the head of any department or agency of the Federal Government may detail, without reimbursement, any personnel of the department or agency to the Commission to assist the Commission in carrying out the duties of the Commission under this section.

(m) FUNDING.—

(1) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $1,000,000 to carry out this section.

(2) AVAILABILITY.—Amounts appropriated pursuant to the authorization of appropriations in paragraph (1) shall remain available until expended.

(n) TERMINATION.—The Commission shall terminate 60 days after the date on which the Commission submits the reports required by subsection (f).

Mr. BOND. Mr. President, we have heard a lot about gun shows, pawn shops, and ammo clips these past few days. We have been told that if we just tweak the law a little here, or add another provision making something else illegal that somehow people who gun down others in cold blood won't do it anymore.

It's as if wishing would make it so.

Thirty years ago we had very few gun laws, and surprisingly, no high school shooting sprees to document every few days, every few weeks, or every few months.

But thirty years ago we also had stricter discipline in schools, no school officials worried about lawsuits if they expelled a violent child, and parents who also exerted more control.

Now we have a new gun law a year. We have school officials who fear lawsuits, and federal law which seems designed to keep violent kids in classrooms, rather than removed—although I hope the Frist-Ashcroft amendment will make some improvements. And we have an industry—in the name of entertainment—that produces violence and violent pornography at such a pace that no one has any idea of the breadth and width of exposure our kids now have to it.

Movies, television, videos, music, computer games. Killing, maiming, and destruction—all in the name of entertainment.

Why is anyone surprised in this new topsey-turvy world, that some students plan mass murders rather than planning their graduation party.

Today I thought it time to inject a little dose of reality into these proceedings, and get us started down a road which I believe needs to be explored. My amendment empanels an independent commission to study the motion picture industry—from top to bottom—to see if the federal government is subsidizing, facilitating or otherwise encouraging the production of violent, or pornographic materials. And if so, to make recommendations to Congress and the President to promote accountability in the motion picture industry in order to reduce juvenile access to violent, pornographic, or other harmful material in motion pictures. Simply put, we want to discourage, not encourage access to these materials.

At the outset, let's make it clear that a great deal of what kids see on the big screen is not harmful and it is done by talented people who are just as concerned about our young people as anyone else. However, there are hundreds, if not thousands of releases each year that have profound effects on teens who see them.

Let us be very clear about one other thing before we continue, because we have head a lot about the gun industry and their so-called political power.

Mr. President, they don't hold a candle to the movie industry. Hollywood has the money, the glamour, the lifestyle of the rich and famous. They have Beverly Hills, they generate publicity for a living, and they have access to the Lincoln Bedroom. In fact, the NRA actually brought in a famous actor in order to have some hope of getting a fair hearing for its position.

But the most disturbing, and least discussed these past few days, is exactly who it is in this country that has glamourized guns and violence. It is certainly not everyone's favorite bogeyman the NRA. It is not the biathletes who compete in the Olympics. Quite simply, it is the entertainment industry. Guns, gore, and violence, targeted not at soccer moms—but to their sons.

And worse yet, it is not just gun use, but gun misuse which is glorified. Gun-toting murders as heros, out to right some perceived wrong. Who even knew what an Uzi or Tech 9 was until they saw it in some show?

I ask unanimous consent to have printed in the RECORD a May 11, 1999, article by Michael Atkinson entitled ''The Movies Made Me Do It.''

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[The Village Voice, May 11, 1999]

THE MOVIES MADE ME DO IT

(By Michael Atkinson)

On March 5, 1995, Sara Edmondson, the 18-year-old scion of one of Oklahoma's most prominent political clans, holed up with her 17-year-old boyfriend Ben Darras in her family's cabin with a video Copy of Natural Born Killers, a Smith & Wesson .38, and a reported 17 tabs of acid. It's clear neither how many times they watched the film nor what the timetable had been for dropping all that dope, but, over the next two days, the teenagers road-tripped south, first shooting Hernando, Louisiana, cotton-gin manager Bill Savage, and then, the following day, convenience-store clerk Patsy Byers. Initially they had intended to go to a Grateful Dead concert in Memphis, but got the date wrong. Edmondson got 35 years; Darras got life.

Savage was DOA, and his hometown friend John Grisham raised a public stink over the Oliver Stone film, threatening to sue for product liability but never filing. Luckless, Byers was left a quadriplegic and later died of cancer, but her family's lawyer has filed a civil suit against Edmondson, Darras, Edmondson's parents, Stone, and Time Warner, maintaining that the film's creators ''knew. . . . or should have known'' that violence would result from its being shown. In March, after bouncing around Louisiana courts, the case went to the Supreme Court and was seen as good to go.

Here comes the flood. This April, the families of three Kentucky girls left dead after the prayer-group shooting spree of 14-year-old Michael Carneal in 1997 have filed a $130 million lawsuit against no fewer than 25 parties, including five film companies involved with the film The Basketball Diaries; a single scene allegedly incited Carneal to action. The dream sequence, of Leonardo DiCaprio gunning down his classmates, should be immediately familiar to even those who haven't bothered seeing the film, thanks to the news coverage of the Littleton rampage. Littleton itself is destined to become the nation's mother lode of hydra-headed copycat—crime civil suits directed at the manufacturers of pop culture, just as the Klebold-Harris scenario immediately became something to mimic in high schools from coast to coast. Copycat crimes have attained front-burner notoriety, and some day soon Hollywood's liberty will be pitted against the perceived welfare of America children.

It's an old but neglected dynamic, and wherever you stand on the issue, itemizing the carnage attributed to the influence of movies is chilling business. After The Birth of a Nation hit big in 1915, the KKK enjoyed a huge resurgence and lynching stats shot up. James Cagney's psycho gangster in White Heat (1949) was blamed for inspiring Brit Chris Craig's 1952 shooting of a policeman. A clockwork Orange's 1971 release was followed by several rapes in England accompanied by the rapists' renditions of ''Singin' in the Rain,'' after which Stanley Kubrick permanently removed the film from British circulation. Magnum Force's murder-by-Drano was reenacted in Utah, The Deer Hunter precipitated a rash of fatal Russian roulette duels, a fierce love of First Blood sent a deranged Englishman named Michael Ryan tearing through his village commando-style, killing randomly. Taxi Driver spoke to John Hinckley; RoboCop gave ideas to two separate killers, each of whom admitted that their evisceration methods were adopted from the film. Just days after its premiere, Money Train, itself based in part on real incidents, inspired token-booth thieves to incinerate the clerk inside. High school footballers were maimed and killed lying down on busy highways after viewing The Program. Child's Play and it first two straight-to-tape sequels hold the record for the sheer number of dead: besides two-year-old Jamie Bulger, stoned to death by a pair of 10-year-old Chucky fans in Liverpool, and 16-year-old Suzanne Capper, burned alive in Manchester by Chucky fans who played lines of the movies' dialogue to here as she was being tortured, there is the dizzying slaughter of 35 Tasmainian vacationers by Martin Bryant, a mental patient ''obsessed'' with Chucky.

But for sheer inspirational force, and the highest number of captured impulse killers who have directly credited the film Natural Born Killers might be the one plus ultra of copycat-killing source material. Besides the Edmondson-Darras road trip, there have been killings in Utah, Georgia, Massachusetts, and Texas (where a 14-year-old boy decapitated a 13-year-old girl), all involving children who afterward quoted the film to firends and authorities. In Paris, a pair of young lovers, Florence Rey and Audry Maupin, led the police on a chase that killed five; supposedly, Rey said, ''It's fate,'' a la Woody Harrelson's character Mickey, when caught. Another pair of Parisians, Veronique Herbert and her boyfriend Sebastien Paindavoine, lured a 16-year-old to his stabbing death with promises of sex; a scene right out of Stone's film. Herbert has even named the Stone film in ther defense

There are scores of other examples—even Beavis and Butt-head has its ghosts, innocent bystanders killed by child-lit fires or child-tossed bowling balls. Hunt-and-kill computer games, which provide ersatz combat training, have also been cited in the Carneal suit. Of course, in each case, the precise psychological role media played is never clear—nor can it be, until we can map a brain like a computer hard drive. In fact, some of what the press has reported about the similarities between particular murders and particular films is flat-out wrong—scores of scenes that never occurred in Child's Play 2 were said to have been reenacted in the Bulger murder. Still, when a Georgia teen yells out ''I'm a natural born killer!'' to news cameras after being arrested for killing an elderly man, the tie-in is hard to ignore.

Legally, it may be impossible to prove intent on behalf of a filmmaker or a beyond-a-reasonable-doubt cause-and-effect affiliation between specific movies and specific violence. How do you account for the millions of unaffected consumers? What's equally at issue is the common cultural presupposition that the entertainment media bear no culpability for those who wreak havoc in imitation of it. Movies are movies, homicidal nuts are homicidal nuts, the crimes would occur with or without a movie's sensationalized prodding. So the wisdom goes. But is our relationship with movies so simple, or is there in fact something deeper, darker, going on? Could it be that visual media aren't merely a harmless, ephemeral diversion from reality, but a powerful factor in that reality bearing consequences we haven't foreseen?

Since most of the incidents we're aware of have children at their centers, this may prove to be true. According to University of Michigan professor L. Rowell Huesmann, an expert researcher on the relationship between violent media and violent behavior, ''It's been well established that media violence makes kids behave more aggressively.

Of course, there's no scientific way to evaluate how media violence may have or many have not caused real violence, but there's definitely a relationship, a ''priming'' or ''curing'' of behavior for certain individuals. The reasons are well understood in psychology: even as toddlers, if we see other kids push and hit to get what they want, we imitate it, we begin to learn scripts for that behavior. In addition, there have been studies: you show images of gore to young children, they have a universally negative reaction: their heartbeat goes up, their palms sweat, and so on. You show it to them again and again, and those indications go away. They adapt, they become desensitized.''

Dr. Carole Lieberman, a Beverly Hills-based ''media psychiatrist,'' blames parental patterns of consumerism. ''There's no question that parents see it happen. The Ninja Turtles were a significant sign: everyone could see how specific violent behaviors were derived directly from that show. But they still buy the kids the computer, the violent CD games. It's cognitive dissonance—they know, but they don't want their kids to be left out, to be unarmed.''

It seems the entertainment complex knows, too: Last week, MGM announced they'd like to recall every copy of The Basketball Diaries from store shelves but can't thanks to a prohibitive rights agreement that lasts until June 30. Even within the Hollywood chambers, the cattle can get spooked: Money Train scriptwriter Doug Richardson was voted down for membership in the Academy thanks to the subway-booth torching. ''Nobody would say it was because of that incident,'' Richardson says, ''but no one would deny it. So, as a writer, am I supposed to wonder if what I'm doing is drama or pornography? Science is going to have to get in up to its elbows in this, I think. It's a very complicated issue, and doesn't deserve sound-bite answers. Especially since there's so much suffering.

And the suffering, not of Hollywood filmmakers told they shouldn't make ultraviolent movies but of families with murdered children, may be what the debate should be about. ''We could make a great step forward by simply restricting the amount of violence to which children are exposed,'' Huesmann says. ''That's no great constitutional dilemma. I wouldn't be surprised if at this point Oliver Stone came forth and said, 'Yes, the film obviously affects some people in a certain way,' and if he did, that would be a significant first step.'' (Oliver Stone declined to comment.)

''Every study indicates a relationship,'' Huesmann concludes. ''Here's a not greatly known fact: that the statistical correlation between childhood exposure to violence in media and aggressive behavior is about the same as that between smoking and lung cancer.''

Mr. BOND. Mr. President, it outlines ''copycat'' acts of violence who fashion their criminal actions—murder and rape—off brilliant ''how to'' works of theater such as ''Natural Born Killers'' and ''Basketball Diaries.''

We know that merchants of violence profit handsomely from some products which hurt our children and cost our society. Who for a second believes that the 40,000 murders that our children witness on the TV screen during their childhoods does not have some terrible numbing effect. We can't stop Hollywood from producing the insanity, but we can attempt to discourage it and to help them share in the burden that their ''profiteering at any cost'' imposes on society.

Now I don't believe we need any more studies outlining the numbing effects that movie and television violence have on our children. What we need to know is—are the American taxpayers subsidizing this numbing down of American youth? And if so, what can and should we do about it?

That is why our Commission looks to people who are independent of the power and influence of the motion picture industry.

Clearly, advertising is directed at attracting all audiences including our young. These wealthy and talented industry people have a right to produce this material but we should not extend them every courtesy when it comes to polluting the minds of our young. There is always parental responsibility, but that does not excuse others from acting responsibly as well.

Does it, or does it not, take a village to raise a child? Last I looked, Hollywood is part of our village. So where is the responsibility of those who produce the harmful material?

Though the power of the motion picture industry is great, we should take a turn listening to parents instead of actors and show leadership instead of cowardice. Some may object on behalf of the wealthy merchants of carnage and smut saying they have a constitutional right to pollute the minds of our children and have no responsibility as an artist or producer to use their power to try and help our nation's parents. But I think they are wrong. Shortsighted and wrong.

Thus if we adopt the Bond-Domenici amendment, we will be saying it is time that parents, and grandparents—not just Hollywood moguls—will have an opportunity to participate in the debate on how best to protect our children. And if this notion offends the Hollywood crowd and their ubiquitous presence in Washington—so be it. We should make quite certain that the public is not contributing or facilitating the production of this sort of material and not facilitating its marketing to our young people. Of, that if we are, people understand it and decide it is good use of national resources.

Now there are other thoughtful amendments to this underlying bill which call on Clinton Administration agencies to study advertising or antitrust provisions. My amendment is designed to get the best minds outside of the Clinton Administration and Hollywood—and if you have any serious questions why, I think this past weekend's multi-million fund-raising trip to Beverly Hills answers those immediately.

It is with a great sense of frustration that I come to you and that is because I am tired of telling parents that there is nothing we can do to help shield their kids beyond relying on the good will and tender mercies of the same ones making blood money off the trash.

If the government can't do anything about it at this time, I think it is worth letting someone on the outside see if it is possible to bring some discipline and responsibility to those who are producing and marketing the insanity. As you all know, not everyone in the film industry is proud of what their colleagues produce for the public. I have no intention of painting with a broad brush, but the ones without discipline—the ones that don't care about our children, should not be shielded from scrutiny just because they may be some of the best people to invite to parties, vacations and fund-raisers.

The Commission is proposed to be made up of 12 members appointed by the President, the Majority Leader and the Speaker and review the following:

(1) How the government, through the tax code or otherwise, subsidizes, facilitates or otherwise reduces the cost of the production of violent, pornographic, or harmful materials and changes necessary to curtail such assistance;

(2) How the movie industry markets to children and how such marketing can be regulated;

(3) What standard of civil and criminal liability currently exists and what standard is sufficient to allow victims to seek legal redress against motion picture productions in cases where content leads to destructive behavior;

(4) Whether federal regulation of content is appropriate;

(5) What other federal action might be taken to reduce the quantity of and juvenile access to movies containing violent, pornographic, or harmful materials.

The amendment requires that a majority report be made within a year of enactment and requires that a minimum number of parents be appointed to the commission. Further, it authorizes a budget for professional staff to assist on these very complex issues.

This would be a powerful commission with a broad mandate that could recommend that we make merchants of death liable for their work, that we make the polluter pay; or outline ways to discourage advertising to our children. We may not enact their recommendations but I think it is time we hear the truth from parents—parents without connections to Hollywood.

It is a balanced commission and the President will get his opportunity to make appointments. He must appoint a parent of a child but he can also appoint a first amendment absolutist and he can appoint Oliver Stone to the commission if he so desires.

I know Members on both sides of the aisle share my frustration. They too have had parents tell them that each year it gets harder and harder to keep the violent images out of their kids lives. Not only movies and videos, but television, CDs, video games, radio, and even print ads.

The images are starker, the violence more pronounced, the mayhem more graphic. No parent can keep it all out because it comes from everywhere. What I am saying here today is that it is time to start holding people responsible for their choices, and that at a

minimum, we should know if the parents of America are paying taxes to subsidize the filth they then try to keep out of their homes.

The Bond-Domenici amendment is the right thing to do.

Mr. President, I yield 4 minutes to the Senator from New Mexico.

The PRESIDING OFFICER (Mr. SANTORUM). The Senator from New Mexico.

Mr. DOMENICI. Mr. President, I might not even take that long.

I want to compliment the Senator from Missouri for his proposal and just speak a little bit about a word that is on a lot of people's minds these days. In fact, many people are saying: Boy, it sure would be great if we could get responsibility back into our schools so our children could learn what responsibility means.

I think it would be great if we could get the entertainment industry to show a little responsibility. Some responsibility from those who make films and produce TV shows, produce advertisements, produce many of the vile computer games our young people are using so they become excellent sharpshooters, excellent killers. In fact, some of these computer games have made our children proficient at shooting people right through the head, one after another, because they learned it on the computer game.

Everyone seems to be saying that our children need to learn greater responsibility. Actually, Hollywood and those who produce television shows and movies, they are the ones in need of a new sense of responsibility. I do not know any way, under our Constitution, to stop what is happening. I do not know if I would be wise enough to figure it out. But I tell you, the adults who are in the entertainment industry have to, sooner or later, look at themselves and say: What is our responsibility to the young people of this country?

Right now it seems there is none, other than to make money. If the adults in the entertainment industry continue to refuse to produce films that are good for our young people, even if it is more difficult to sell them, if they refuse to go out and get innovative people to write the kinds of things that are salutary and healthy and helpful, then I believe they are irresponsible. I believe they need a lesson in responsibility. Instead, they hide admirably behind the Constitution.

I believe, if our forefathers who put the First Amendment in the Constitution, the freedom of speech that the entertainment industry hides behind, could see what they produce, what they feed to our young people, what they feed to our society under the alleged protection of that Amendment, I believe they would reconsider and try to figure some way to make sure we had a bit more responsibility built into this aspect of the American free enterprise system.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I have to oppose this $1 million study of ''how the Federal Government and State and local governments, through their taxing power or otherwise'' helps support or subsidize the cost of producing ''violent, pornographic or other harmful materials.'' Even though this is just a study, I have serious concerns about researching the need for more taxing power.

Second, the juvenile crime bill already contains a package of amendments regarding the study of the motion picture industry. Third, the causes of teen violence are complex and difficult to handle with tax policy. Fourth, the amendment provides broad subpoena powers.

I appreciate that Senator BOND modified his amendment by taking out the study of how another tax, an excise tax, might be structured for ''violent, pornographic, or other harmful motion picture materials.'' What is considered harmful in Tulsa, may not be considered harmful in Niagara Falls, or Boise, or Key West. But in terms of the ''power to tax'' language still in the amendment it is not clear if the Federal Government, or towns or states, would tell movie producers what content they considered ''harmful'' or ''violent.'' Thus while the ''excise tax'' language was just taken out the study of the ''power to tax'' is still in the amendment. And that raises a lot of issues.

If this power to tax authority were used what would that mean? It is not at all clear how that would work. I do not see why we should spend $1 million to study the ''power to tax.'' There were major fights years ago about whether to censor the line in ''Gone with the Wind''—''Frankly, my dear, I don't give a damn.'' In many towns, that line could have been taxed under a ''power to tax'' if they had it then. Now, that line caused enormous numbers of debates and editorials. I suspect that could have gotten a whopping tax back then. Or Clark Gable could have just said: ''Frankly, my dear, I am really annoyed.''

How would a new ''power to tax'' given to local, state or the Federal government work? The earlier ''excise tax'' idea that was recently dropped raised lots of questions also. I do not know what editing of movies local governments might have ended up doing.

Concerning the excise tax language, now dropped, I wondered would the local or the Federal government have imposed the tax before the movie was produced, after the movie was produced, or during the editing of the movie? Or, would the States or the Federal Government have told the producers ahead of time how much they would tax them on each scene? If they were to do it that way, could they take some scenes out or pay the extra tax, like a gas-guzzler tax? I understand there are a lot of violent battle scenes in the new Star Wars movie. That would have had a pretty big gross to tax. Fortunately, the ''excise tax'' language was taken out by the sponsor of the amendment, but the ''power to tax'' language remains.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I thank my friend, the ranking member for yielding. I hope he will stay on the floor just a moment because I wanted to ask him something. In this amendment, on page 4, is something that completely astounds me. This commission is going to look at whether the regulation of the content of motion pictures is appropriate.

Federal regulation—is this the Soviet Union? What are we doing? I ask my friend if this disturbs him that we would be considering the Federal Government regulating the content of motion pictures.

Mr. LEAHY. I say to my friend from California, what I also worry about is how you determine what it is. I heard one Senator on the floor speak of having more wholesome movies. I am all for that. There are a lot of movies that I consider absolutely classic. I like the ''Quiet Man'' with John Wayne. It was filmed near the part of Ireland from where my father's family came. But there is violence, fighting, drunkenness a little bit here and there. What do you determine it is? Does the market carry that? There are a lot of wholesome films that make it.

I see some things that might be considered wholesome. One very popular with children are Teletubbies, but yet we heard one leading conservative religious leader say that it should be taken off the air because he objected to one of the Teletubbies.

Maybe we have Teletubbies on one side and televangelists on the other. Somebody suggested in one cartoon: Teletubby Tinky Winky; Televangelist Dopey Wopey. But that is what I read in the paper.

Do we take that off or tax it? Maybe after the $1 million this amendment refers to we might have a better idea. I am not too sure I want even my own communities to determine what tax they will impose and the Federal Government determine what tax they will impose and then have censor boards all over the place determining this one we will tax a little itty-bitty, and this one we will tax biggie bitty-bit.

I point out, we do already have in the juvenile justice bill a package of amendments regarding the study of the motion picture industry, so that is going to be done anyway.

Mrs. BOXER. I point out to my friend, who is such an advocate of the Constitution, that this is the third one. We have investigation mania going on here. This is the third investigation of the entertainment industry that is going to be voted on in this Senate; the third investigation. Fortunately, on the first one, we expanded it to include the gun industry. So there is one investigation of the gun industry and how it peddles its products to kids, and then

there are three investigations of the entertainment industry. But this is the very first one where it says in this bill—and I say to my friends, read it. They are going to look at whether there should be Federal regulation of the content of motion pictures.

Maybe the Senator from Missouri is interested in writing movies, but I am not. This is what it is about. None of us was elected to be a movie writer. There is no bureaucrat I know who ought to sit around and write movies. We now have three investigations of the motion picture industry in this bill.

Let me tell you what they are. The first one was the Brownback amendment. I actually supported it. Everybody did. I thought: OK, we will have a commission; it will look at youth violence. That commission calls for the Federal Trade Commission and the Attorney General, with all the powers of their offices, to look at the marketing tactics of the motion picture industry, the entertainment industry, and the video games industry and see if they are, in fact, taking advantage of our children.

Then we have the Lieberman Commission, which is part of the managers' amendment, which sits in this bill. I have it in front of me. Mr. LIEBERMAN, Mr. MCCAIN, Mr. BYRD, Mr. BROWNBACK, Ms. LANDRIEU, et cetera. They are establishing a national youth violence commission and it refers to the various powers of that commission. That is investigation No. 2.

Now comes along, in case we did not do enough of this, investigation No. 3. Duplicative, I add, of the others, but a lot more frightening, because it includes the possibility of Federal regulation of the content of motion pictures.

It refers to changing the law to seek legal redress against producers. My friend from Missouri can take comfort in the fact that we are already doing what he wants to be done, with the exception of looking at the content.

I do not know whether this is going to be accepted or if there is a vote. More than likely it is going to be adopted. Set up a commission. How about doing something that will help? How about keeping our kids busy after school? Oh, no, I only got two people from the other side of the aisle. Keep our children busy after school so they are not sitting in front of the television? Oh, no, we couldn't do that, even though we have a million children waiting in line to get into afterschool programs.

But, oh, let's have a third commission and beat up on the entertainment industry and that is going to help keep our kids out of trouble.

Look at the FBI statistics. That is when there is juvenile crime. This is a juvenile justice bill. We do a little something for afterschool in this bill, but it is just that, a little something. It will not take care of the backlog of all the children who are waiting, but, oh, we can feel real good and set up a third investigation of the entertainment industry.

This is amazing to me. And this one is frightening to me, to think that the Federal Government may now begin to regulate the content of movies. I simply think that the American people do not want to see their Government regulating what can be said in a movie. If you do not like a movie, don't go see it, as Senator LEAHY said yesterday. Don't spend your dollars on violence. Turn the movie channel. But to set up now a third commission on the entertainment industry, this is just going over the top. And suggesting that they look at ways to regulate content, that is a frightening thought to me.

I do not have much hope that this will be defeated because it seems to be something we are getting used to here: Let's have an investigation; it's easy; it's easy; have an investigation.

By the way, it is going to cost $1 million. Do you know how many slots that could take care of for kids waiting in line to get in afterschool programs? Let's use it on something that works. A million dollars on this commission. I know my friend is a fiscal conservative. I hope when this bill gets to conference, they can take these three investigations and put them into one, because this is simply amazing to me.

I have every belief that the Senator's commission will be adopted. The Senate is in the mood to launch yet another investigation, point another finger and, ''Yes, I voted against afterschool, but I voted for that commission; I am going to save our kids.''

I am very surprised we are looking—as a matter of fact, I did not even know this was coming up until somebody said it. I thought: Wait a minute, that is confusing; we already have two investigations. Now we have yet a third.

I know what I am saying is not popular around here, but I worry when we start talking about the Government regulating content. That reminds me of the old Soviet Union. That is gone. Let's not follow that model.

I hope people vote against this. Again, I do not hold out much hope, but I hope people vote against this. I yield back my time.

The PRESIDING OFFICER. Who yields time?

Mr. BOND. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 minutes.

Mr. BOND. One always is impressed with the ability of Hollywood and their obfuscation. We have heard some responses from the Hollywood community. They said this is a massive tax bill. That is not what the purpose was. We amended the amendment so it does not even refer directly to taxes.

The Senator from Vermont mentioned and gave a wonderful rendition of ''Gone With The Wind'' and ''Star Wars.'' We are not worried about ''Star Wars.'' We are not worried about ''Gone With The Wind.'' We are worried about parents who cannot stop all of the mayhem and violence and murder that is being marketed to their kids, to their kids' friends, to their kids' neighbors every time they turn around.

We think it is time that somebody looked at how we hold Hollywood accountable. I am asking not that we investigate. I believe there is enough evidence of these teenage killers, citing the fact that they have been inspired by movies, to know that something has to be done.

My good friend from California said, we are regulating content. I believe she was one of the leaders who argued for regulating the content of tobacco advertising and said we are going to eliminate tobacco advertising. That is content. That is regulation. That is regulation of speech.

Incidentally, you can regulate what is going to children. We do regulate speech. We do not allow pornography to go to kids. We do not allow tobacco advertising to go to them. I will tell you something, when I see ''Basketball Diaries,'' with Leonardo DiCaprio as a teenage hero walking into a classroom in a black trenchcoat, with a gun, and murdering his fellow students, I see there is a message that Hollywood has sent to our kids. If I could regulate it, if I could stop it, I would like to stop it.

I want to get a national debate going and ask and see how we can stop this filth being targeted at our kids. Does anyone think ''Basketball Diaries'' is designed to attract older movie viewers like me? I do not think so. That is targeted directly to kids. How do we deal with that? That is what the Domenici-Bond amendment asks. All of the obfuscation and all of the misleading arguments put up by the good folks in Hollywood are not going to take attention away from the fact that they are responsible.

Just in the last couple days the President of CBS said he was going to withdraw a violent drama called ''Falcone.'' I quote Leslie Moonves.

> While it's not fair to blame the media for the rampage, Moonves said that ''anyone who thinks the media has nothing to do with this is an idiot.''

I suggest that tells the tale.

I yield the remainder of my time to the Senator from Utah.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah has 1 minute remaining.

Mr. HATCH. All the Senator wants to do is set up a Commission to review these matters. We have plenty of work in this bill to take care of it.

Now look, the first amendment is not absolute. There are a lot of limitations on the first amendment recognized by the courts: obscenity, pornography, fighting words, time restrictions, such as nudity in television programming—that may be stopped, television programming that may be aired—indecent speech, exposure to children, and we could go on and on. It isn't like this is something unprecedented.

I think we have to look at these matters and see what we can do to change the culture in this society, because that is what is wrong. It is a lot more important than guns or anything else.

We have made it possible for these kids to see all kinds of filth and violence coming out of their ears. After a while, they get so that it becomes part of their lives. That is why this bill is so important. It is a lot more important than some of the assertions by some people on behalf of their amendments. But this is an amendment that I think we ought to vote for.

The PRESIDING OFFICER. The time has expired.

The Senator from Vermont has 2½ minutes remaining.

Mr. LEAHY. Mr. President, this side has how many minutes?

The PRESIDING OFFICER. Two and a half minutes.

Mr. LEAHY. We yield back the time.

The PRESIDING OFFICER. The Senator yields back the remainder of their time.

Mr. BOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. I ask unanimous consent that we stack this amendment along with the Biden amendment to be voted upon at a time to be determined by the two leaders.

Mr. LEAHY. I agree.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. EDWARDS addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

CHANGE OF VOTE

Mr. EDWARDS. On rollcall vote No. 137, I voted ''no.'' It was my intention to vote ''aye.'' I ask unanimous consent that I be permitted to change my vote. This would in no way change the outcome of the vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

The foregoing tally has been changed to reflect the above order.

Mr. HATCH addressed the Chair.

The PRESIDING OFFICER. The Senator from Utah.

AMENDMENTS NOS. 369 AND 370, EN BLOC

Mr. HATCH. Mr. President, I send a Helms amendment on safe schools and a Harkin-Lincoln amendment to the desk and ask for their immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Utah [Mr. HATCH] proposes amendments numbered 369 and 370, en bloc.

Mr. HATCH. I ask unanimous consent reading of the amendments be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments, en bloc, are as follows:

AMENDMENT NO. 369

(Purpose: To amend the Gun-Free Schools Act of 1994 to require a local educational agency that receives funds under the Elementary and Secondary Education Act of 1965 to treat possession, on school property, of felonious quantities of illegal drugs the same as gun possession on such property)

At the appropriate place, insert the following:

''SEC . SAFE SCHOOLS.

''(a) AMENDMENTS.—Part F of title XVI of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8921 et seq.) is amended as follows:

''(1) SHORT TITLE.—Section 14601(a) is amended by replacing ''Gun-Free'' with ''Safe'', and ''1994'' with ''1999''.

''(2) REQUIREMENTS.—Section 14601(b)(1) is amended by inserting after ''determined'' the following: ''to be in possession of felonious quantities of an illegal drug, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, a local educational agency in that State, or''.

''(3) DEFINITIONS.—Section 14601(b)(4) is amended by replacing ''Definition'' with ''Definition'' in the catchline with ''part'', by redesignating the matter under the catchline with ''part'', by redesignating the matter under the catchline after the comma as subparagraph (A), by replacing the period with a semi-colon, and by adding new subparagraphs (B), (C), and (D) as follows:

''(B) the term ''illegal drug'' means a controlled substance, as defined in section 102(6) of the Controlled Substances Act (21 U.S.C. 802(6)), the possession of which is unlawful under the Act (21 U.S.C. 801 et seq.) or under the Controlled Substances Import and Export Act (21 U.S.C. 951 et seq.), but does not mean a controlled substance used pursuant to a valid prescription or as authorized by law; and

''(C) the term ''illegal drug paraphernalia'' means drug paraphernalia, as define in section 422(d) of the Controlled Substances Act (21 U.S.C. 863(d)), except that the first sentence of that section shall be applied by inserting 'or under the Controlled Substances Import and Export Act (21 U.S.C. 915 et seq.)' before the period.

''(D) the term ''felonious quantities of an illegal drug'' means any quantity of an illegal drug—

''(i) possession of which quantity would, under federal, State, or local law, either constitute a felony or indicate an intent to distribute; or

''(ii) that is possessed with an intent to distribute.''.

''(4) REPORT TO STATE.—Section 14601(d)(2)(C) is amended by inserting ''illegal drugs or'' before ''weapons''.

''(5) REPEALER.—Section 14601 is amended by striking subsection (f).

''(6) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—Section 14602(a) is amended by replacing ''served by'' with ''under the jurisdiction of'', and by inserting after ''who'' the following: ''is in possession of an illegal drug, or illegal drug paraphernalia, on school property under the jurisdiction of, or in a vehicle operated by an employee or agent of, such agency, or who''.

''(7) DATA AND POLICY DISSEMINATION UNDER IDEA.—Section 14603 is amended by inserting''current'' before ''policy'', by striking ''in effect on October 20, 1994'', by striking all the matter after ''schools'' and inserting a period thereafter, and by inserting before ''engaging'' the following: ''possessing illegal drugs, or illegal drug paraphernalia, on school property, or in vehicles operated by employees or agents of, schools or local education agencies, or''.

''(b) COMPLIANCE DATE; REPORTING.—

''(1) States shall have two years from the date of enactment of this Act to comply with the requirements established in the amendments made by subsection (a).

''(2) Not later than three years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report on any State that is not in compliance with the requirements of this part.

''(3) Not later than two years after the date of enactment of this Act, the Secretary of Education shall submit to Congress a report analyzing the strengths and weaknesses of approaches regarding the disciplining of children with disabilities.''

AMENDMENT NO. 370

(Purpose: To amend section 10102 of the Elementary and Secondary Education Act of 1965 regarding elementary school and secondary school counseling)

At the end, add the following:

SEC. ___. SCHOOL COUNSELING.

Section 10102 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8002) is amended to read as follows:

''SEC. 10102. ELEMENTARY SCHOOL AND SECONDARY SCHOOL COUNSELING DEMONSTRATION.

''(a) COUNSELING DEMONSTRATION.—

''(1) IN GENERAL.—The Secretary may award grants under this section to local educational agencies to enable the local educational agencies to establish or expand elementary school counseling programs.

''(2) PRIORITY.—In awarding grants under this section, the Secretary shall give special consideration to applications describing programs that—

''(A) demonstrate the greatest need for new or additional counseling services among the children in the schools served by the applicant;

''(B) propose the most promising and innovative approaches for initiating or expanding school counseling; and

''(C) show the greatest potential for replication and dissemination.

''(3) EQUITABLE DISTRIBUTION.—In awarding grants under this section, the Secretary shall ensure an equitable geographic distribution among the regions of the United States and among urban, suburban, and rural areas.

''(4) DURATION.—A grant under this section shall be awarded for a period not to exceed three years.

''(5) MAXIMUM GRANT.—A grant under this section shall not exceed $400,000 for any fiscal year.

''(b) APPLICATIONS.—

''(1) IN GENERAL.—Each local educational agency desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may reasonably require.

''(2) CONTENTS.—Each application for a grant under this section shall—

''(A) describe the school population to be targeted by the program, the particular personal, social, emotional, educational, and career development needs of such population, and the current school counseling resources available for meeting such needs;

''(B) describe the activities, services, and training to be provided by the program and the specific approaches to be used to meet the needs described in subparagraph (A);

''(C) describe the methods to be used to evaluate the outcomes and effectiveness of the program;

''(D) describe the collaborative efforts to be undertaken with institutions of higher education, businesses, labor organizations, community groups, social service agencies, and other public or private entities to enhance the program and promote school-linked services integration;

''(E) describe collaborative efforts with institutions of higher education which specifically seek to enhance or improve graduate programs specializing in the preparation of school counselors, school psychologists, and school social workers;

''(F) document that the applicant has the personnel qualified to develop, implement, and administer the program;

''(G) describe how any diverse cultural populations, if applicable, would be served through the program;

''(H) assure that the funds made available under this part for any fiscal year will be used to supplement and, to the extent practicable, increase the level of funds that would otherwise be available from non-Federal sources for the program described in the application, and in no case supplant such funds from non-Federal sources; and

''(I) assure that the applicant will appoint an advisory board composed of parents, school counselors, school psychologists, school social workers, other pupil services personnel, teachers, school administrators, and community leaders to advise the local educational agency on the design and implementation of the program.

''(c) USE OF FUNDS.—

''(1) IN GENERAL.—Grant funds under this section shall be used to initiate or expand school counseling programs that comply with the requirements in paragraph (2).

''(2) PROGRAM REQUIREMENTS.—Each program assisted under this section shall—

''(A) be comprehensive in addressing the personal, social, emotional, and educational needs of all students;

''(B) use a developmental, preventive approach to counseling;

''(C) increase the range, availability, quantity, and quality of counseling services in the elementary schools of the local educational agency;

''(D) expand counseling services only through qualified school counselors, school psychologists, and school social workers;

''(E) use innovative approaches to increase children's understanding of peer and family relationships, work and self, decision-making, or academic and career planning, or to improve social functioning;

''(F) provide counseling services that are well-balanced among classroom group and small group counseling, individual counseling, and consultation with parents, teachers, administrators, and other pupil services personnel;

''(G) include inservice training for school counselors, school social workers, school psychologists, other pupil services personnel, teachers, and instructional staff;

''(H) involve parents of participating students in the design, implementation, and evaluation of a counseling program;

''(I) involve collaborative efforts with institutions of higher education, businesses, labor organizations, community groups, social service agencies, or other public or private entities to enhance the program and promote school-linked services integration;

''(J) evaluate annually the effectiveness and outcomes of the counseling services and activities assisted under this section;

''(K) ensure a team approach to school counseling by maintaining a ratio in the elementary schools of the local educational agency that does not exceed 1 school counselor to 250 students, 1 school social worker to 800 students, and 1 school psychologist to 1,000 students; and

''(L) ensure that school counselors, school psychologists, or school social workers paid from funds made available under this section spend at least 85 percent of their total worktime at the school in activities directly related to the counseling process and not more than 15 percent of such time on administrative tasks that are associated with the counseling program.

''(3) REPORT.—The Secretary shall issue a report evaluating the programs assisted pursuant to each grant under this subsection at the end of each grant period in accordance with section 14701, but in no case later than January 30, 2003.

''(4) DISSEMINATION.—The Secretary shall make the programs assisted under this section available for dissemination, either through the National Diffusion Network or other appropriate means.

''(5) LIMIT ON ADMINISTRATION.—Not more than five percent of the amounts made available under this section in any fiscal year shall be used for administrative costs to carry out this section.

''(d) DEFINITIONS.—For purposes of this section—

''(1) the term 'school counselor' means an individual who has documented competence in counseling children and adolescents in a school setting and who—

''(A) possesses State licensure or certification granted by an independent professional regulatory authority;

''(B) in the absence of such State licensure or certification, possesses national certification in school counseling or a specialty of counseling granted by an independent professional organization; or

''(C) holds a minimum of a master's degree in school counseling from a program accredited by the Council for Accreditation of Counseling and Related Educational Programs or the equivalent;

''(2) the term 'school psychologist' means an individual who—

''(A) possesses a minimum of 60 graduate semester hours in school psychology from an institution of higher education and has completed 1,200 clock hours in a supervised school psychology internship, of which 600 hours shall be in the school setting;

''(B) possesses State licensure or certification in the State in which the individual works; or

''(C) in the absence of such State licensure or certification, possesses national certification by the National School Psychology Certification Board;

''(3) the term 'school social worker' means an individual who holds a master's degree in social work and is licensed or certified by the State in which services are provided or holds a school social work specialist credential; and

''(4) the term 'supervisor' means an individual who has the equivalent number of years of professional experience in such individual's respective discipline as is required of teaching experience for the supervisor or administrative credential in the State of such individual.

''(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $15,000,000 for fiscal year 2000 and such sums as may be necessary for each of the 4 succeeding fiscal years.

Mr. HATCH. With respect to the amendment offered today by Senator HELMS, which amends the Gun Free Schools Act of 1994, I must say that I support this effort to make our schools gun and drug free.

The amendment would require an educational agency that receives federal funds to expel for not less than one year a student determined to be in possession of felonious quantities of illegal drugs. We're talking about quantities that indicate hard-core drug use, or drug trafficking. We're talking about dangerous, and predatory, behavior. We've simply got to get the people who bring these things into our schools out of our schools.

Now, I know that some of my colleagues may be concerned with the consequences of turning disruptive students out onto the streets for one year. I assure everyone that I understand that concern and direct their attention to the Alternative Education Grant provision found in the underlying bill. This demonstration grant provides funding to state and local education agencies to set up alternative education in appropriate settings for disruptive or delinquent students. These services are designed to improve the academic and social performance of these students and to improve the safety and learning environment of regular classrooms. This three-year demonstration project will provide alternative education to juveniles in trouble with or at risk of getting in trouble with the law, such as students who are expelled for carrying firearms or drugs to school.

I applaud the efforts of Senator HELMS for continuing to seek effective ways to curb the spiraling increase in drug abuse among our nation's youth. Anyone familiar with my record on combating illegal drug use knows that I am in favor of stiff penalties designed to deter criminal behavior, and never more so than when we are talking about behavior that harms our school children. I think this amendment, which contains a specific exception to the one-year expulsion rule by allowing the chief administering officer of the local educational agency to modify the expulsion requirement for students on a case-by-case basis, is a measured and principled response to the scourge of drugs in our schools.

Like the original Gun Free Schools Act, this amendment is motivated not only by a desire to punish those who bring illegal objects into schools, but also to address the immediate threat to the entire student population created by the presence of those objects. As with guns, felonious quantities—drug-trafficking quantities—of illegal drugs present a direct and serious hazard, both to the individual possessors, and to the other students as well. For this reason, it is appropriate that sanctions be the same in both cases.

Mr. HATCH. I ask unanimous consent that the amendments be accepted en bloc and that any statements relating to the amendments be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 369 and 370), en bloc, were agreed to.

Mr. LEAHY. I move to reconsider the vote.

Mr. HATCH. I move to lay that motion on the table.

The motion to table was agreed to.

Mr. HATCH. I understand we now move to the Biden amendment, the last amendment before final passage.

Mr. BIDEN addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

AMENDMENT NO. 371

(Purpose: To establish a 21st century community policing initiative)

Mr. BIDEN. I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN] for himself, Mr. SPECTER, Mr. SCHUMER, Mrs. BOXER, and Mr. KOHL, proposes an amendment numbered 371.

Mr. BIDEN. I ask unanimous consent reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under ''Amendments Submitted.'')

The PRESIDING OFFICER. The Senator from Delaware has 22½ minutes.

Mr. BIDEN. I beg your pardon? I thought I had 30 minutes.

The PRESIDING OFFICER. I am sorry. The Senator from Delaware has 30 minutes.

Mr. BIDEN. I thank the Chair.

Mr. President, I send this amendment on behalf of the primary sponsors: The Senator from Pennsylvania, Mr. SPECTER; the Senator from New York, Mr. SCHUMER; the Senator from California, Mrs. BOXER; and the Senator from Wisconsin, Mr. KOHL; and others.

This is a pretty straightforward amendment. My amendment extends for another 5 years the COPS Program which was created in the 1994 crime bill. As we all know, the COPS Program has put over 100,000 police officers on the—well, they are not all on the street yet, but it funded 100,000 police officers, of whom about 11,000 are in training now. I have put on the desk of every Member of the Senate a list of the number of police officers, State and local police officers, that have been funded under the COPS Program in their States.

I have put on the desk of every Member of the Senate the reduction in violent crime, in property crimes, that has occurred in their State since the crime bill of 1994, which was passed, and I would make the argument that we do not have to reinvent the wheel here; it works. Cops on the street through the COPS Program work.

The COPS Program is going to expire next year. Our amendment authorizes $1.15 billion per year through the year 2005.

Let me explain what it does. There is $600 million more for police on the streets every year, which would give the States up to another 50,000 police officers over the next 5 years. This money, though, can always be used to retain current officers hired under the COPS Program; it can be used to pay overtime; it can be used to reimburse current cops for college and graduate school courses up to a percentage of the total money here.

Since the original crime bill was the Biden crime bill that became the 1994 crime bill—we put in this COPS amendment. At the time, we were told by everyone, whether it was liberal newspaper editorials saying, we have tried this before and more cops don't work, or conservatives arguing that this was just a great big social welfare program—it was going to hire a bunch of social workers—we have demonstrated that it had never been done before and it works when it is done.

I am reminded of the quote attributed to G.K. Chesterton. He said, it is not that Christianity has been tried and found wanting; it has been found difficult and left untried.

The truth of the matter is, up to the time of the crime bill of 1994, we had never made a full blown major commitment to help local law enforcement officers increase their number. We have, in fact, increased the number of cops wearing uniforms—of local police officers, not Federal cops—by 100,000 cops. The crime rate has plummeted, not solely because of that but, I would argue, in large part because of that.

Now, I have been here long enough to know that one of the dangers of being here long enough and having worked hard on setting up a government program, which you thought about and conceived and worked on for years and years to get adopted, is that you become a captive of your own program. So the Senator from Pennsylvania and I would talk, back in the early days when he got here and I got here, about community policing and how important it was.

Cops didn't want community policing. Mayors did not want community policing. No one wanted it. My friend from Pennsylvania talked about career criminals and pointed out that only 6 percent of the criminals in America committed over 60 percent of the violent crimes in America. To both of us, it didn't seem like rocket science. If you focused on going after that 6 percent and you put more cops on the street and you took them out of patrol cars and put them on a beat, that would have a positive impact.

I didn't have the experience my friend from Pennsylvania had of being a prosecutor. I might add, the office he was the chief prosecutor of in Philadelphia tries more criminal cases in 1 year than the entire Federal system tries in a year. The entire Federal system tries fewer cases than are tried in the Philadelphia prosecutor's office, the Philadelphia DA. I didn't have the experience, but I was smart enough to listen to him. And I was smart enough to listen to enough people who have been out there and had the experience. So as hard as it is to believe, it took us about 6 years to convince people that putting local cops on the beat made sense.

I have spent, as has the Senator from New Mexico who was on the floor, a long time in this body. I think we both agree that if you take this job seriously and you sit in hearings year after year, day after day, month after month, unless you are an absolute idiot, you eventually learn something. Every single, solitary criminologist, every single expert, every single person who testified before the Judiciary Committee in the 16 years I chaired it or was a ranking member, said, we don't know a lot about crime but one thing we know: If there is a cop on this corner and no cop on the other corner and a crime is going to be committed, it is going to be committed where the cop is not.

The second thing we know: If you have a cop in a neighborhood and they get to know the folks in the neighborhood, a simple thing happens—trust gets built. They know the cop's name. If they know who the cop is, they are going to be more inclined to call the officer aside when a crime has been committed and say, Officer John, I know who did that. If it is a wave-by and a cop is going by in a car and he is not a community cop, they don't want to take the chance of putting them on the line.

I realize these are very simple, basic, trite-sounding things I am saying, but this program works. It works well.

There are a lot of ideas here that ended up being rejected because they do not pass the test of ''not invented here.'' I realize there are some concerns, on the part particularly of my Republican colleagues, that this may be—and I am not talking about the Senator from Pennsylvania or anyone in particular—a program that is viewed as being identified with the Democratic Party, the President; therefore, why do we keep it going for another 5 years?

I respectfully suggest that there have been some incredibly good ideas that have come out of the Republican caucus, including the block grant notion for police departments, including more flexibility to be given to local law enforcement officers. I want my colleagues to know—and I understand the limitations my friend from Utah had in being able to reach an agreement here—I was prepared to accept the community block grant portion of the Republican program in order to get a consensus in this process. We didn't get there. I hope that when this passes, if it passes, we can still, as we move on through this year, move on to that good idea as well. I didn't try to incorporate it here because it is not my idea, it is the idea of the chairman of the Judiciary Committee and others on the Republican caucus with whom I have to agree.

Now, let me say this: One of the things we learned from the COPS Program and its functioning is that, as well as it works, it can be made to work better. I say to my friend from New York, Senator SCHUMER, he has

been deeply involved. He carried this load in the House when we did this in 1994. He was a leader on the COPS Program. What he and I have both found out from our local law enforcement officers is that they need more flexibility. They need to be able to use this COPS money in ways that go beyond hiring a new shield, to be able to keep cops who are on the beat and use this money. They also want to be able to pay overtime, because they get the same coverage as they would if they hired a new cop, if they are allowed to pay overtime. So we built into this extension of the COPS Program more flexibility.

To the best of my knowledge—my staff is behind me; I don't have it in front of me—I believe every major police organization has endorsed this and endorsed it on this bill, because it works.

The second thing—and I will shortly yield to my friend from Pennsylvania, and then I want to reserve time for my friend from New York as well—is that there is $350 million in here for law enforcement to get new technologies to enhance crime fighting, such as better communications systems so cops in different jurisdictions can communicate, and even the ability to target hot spots, and new investigative tools like DNA analysis. The cops have come to me and they have said, this is what we need; this is what we need.

I am one who believes that as long as they keep doing the job as well as they have been, we should give them the tools they need.

There is one last piece, and then I will yield. The cops have been doing such a good job that the prosecutors in Senator SPECTER's old office are overwhelmed. They are overwhelmed. You put 100,000 more cops on the job, 545,000 cops who have already been on the job and who had not been in community policing but are all now community police, and you have had a phenomenal impact on crime, but also a phenomenal impact on putting more pressure on the court systems in the State and local governments.

So there is in this bill $200 million for community prosecutors to expand the community policing concept to engage the whole community in preventing crime. These cops, as I said, have been so successful with their jobs that the next piece of the puzzle, the new bottleneck, is State prosecutors. Local prosecutors, they need help. So the next major piece of this bill is $200 million for community prosecutors.

Lastly, you are only allowed to use a portion of the COPS money for this, but one of the things the cops have come to us and said is, we have a lot of cops who want to increase their education; we have a lot of cops who want to go back to college, who want to be better cops. If you are a schoolteacher in most districts and you go off and teach school and you go off and get your graduate degree, the school district helps you pay for that. I think we should be allowing the cops to take a portion of the money they get and pay for the continuing education of law enforcement officers. I still believe that the greatest safety lies in educated police officers who fully understand the Constitution, who increase their educational background. So that is another innovation in this bill.

There is much more in it that I will not bore the floor with at this time. I know a lot of people are trying to get through this bill. I respectfully suggest—and it is imprudent of me to say this—I think this is, in a substantive sense, the single most important amendment we could add to this bill.

I guarantee you—and I am willing to bet anybody in this body dinner—that if we add another 50,000 cops out there and this technology, we are going to have a significantly greater impact on reducing juvenile crime than we would without it. It works, folks. Let's not reinvent the wheel.

I have a parliamentary inquiry, Mr. President. How much time remains in control of the Senator from Delaware?

The PRESIDING OFFICER. The Senator has 20 minutes 33 seconds remaining.

Mr. BIDEN. Mr. President, I yield 9 minutes to my friend from Pennsylvania and 9 minutes to my friend from New York. I will reserve 2 minutes for myself to close.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized for 9 minutes.

Mr. SPECTER. Mr. President, I thank my colleague from Delaware for yielding me the time and for submitting this amendment, which I have cosponsored. I believe that police on the street constitute a very significant deterrent effect—and that the 95,000 or 100,000 police who have been added across America have been a factor in reducing the crime rate—which we have noted in the past several years. I think that is one factor.

The additional prison space, the fact that more men and women are incarcerated—regrettably, but necessarily—I think has been a contributing factor. The armed career criminal bill, which provides for a sentence for 15 years to life for those found in possession of a gun and have committed three or more serious offenses has been a significant contributing factor.

I would like to offer a comment or two about the bill. I compliment Senator HATCH and Senator LEAHY, the managers of the bill, for the work they have done. I am hopeful that within the authorized portions of this bill comes to the appropriations process, there will be an even 50/50 split on measures designed for prosecution and incarceration, contrasted with measures for rehabilitation, job training, and education.

When we deal with juvenile offenders, we deal with a category of offenders who will one day get out. I believe—based on the experience I had being district attorney of Philadelphia for 8 years where the principal job was prosecution, tough sentences for tough criminals, and dealing with career criminals—that when we deal with offenders who are going to be released, we ought to have rehabilitation. It is no surprise when a functional illiterate, without a trade or a skill, leaves incarceration will go back to a life of crime. It is not only in the interest of the individual to have rehabilitation, but also in the interest of law-abiding citizens to avoid having that individual become a repeater.

The same thing, candidly, applies to first and second offenders. Where we have a career criminal—somebody who has three or more major offenses—then I think life imprisonment and throwing away the key is the appropriate consequence. When we deal with juveniles, we ought to be aware of the so-called seamless web, to apply 50 percent of the funding which, of course, comes to the attention of the appropriators. I considered submitting an amendment which would have called for a 50/50 split between the tough aspect of prosecution and incarceration contrasted with rehabilitation, literacy training, and job training. I decided not to do that since it really is within the function of the appropriators.

I have a comment on the vote in the Senate to defeat the provision that was offered as an amendment yesterday. This would have imposed, in this bill, a mandatory requirement on the States that all those 14 years and older be tried as adults on a category of serious offenses. That was defeated soundly. A majority of Republicans voted against it, and I voted against it, and I was glad to see that amendment rejected on a number of grounds. One is that we ought not to be dictating to the States how they construct their juvenile justice system. And we ought not to condition Federal funding, which would be the stick to dictate the States as to how they operate.

The other concern I had was that being tough on crime is very, very important, but there are a lot of variations on juveniles. The theory of the juvenile court was to treat an adjudication of delinquency as those under 18. There is ample discretion in the juvenile court to have a juvenile tried as an adult for a serious offense. That flexibility ought to be left to the juvenile courts, and that flexibility and that determination ought to be left to the States.

Overall, I think this bill will be a step forward. The legislation that has been enacted with respect to guns, I think, has to be viewed as only a part of the picture. My own reluctance on the restrictions on guns has come from the fact that there has not been an appropriate response by the courts on tough sentences for tough criminals.

There are three layers that we have to attack on this line. I have discussed two. One is the life sentences and the long periods of incarceration for career criminals. Second, is realistic rehabilitation for juveniles and other offenders

who will be released from jail. Third, is the violence that has gripped America—juvenile violence especially.

After Littleton, CO, I called Dr. Koop, former Surgeon General, who commented to me that he had—as early as 1982—filed a report identifying juvenile violence as a medical problem. I conferred with Surgeon General Satcher on the issue. We are trying to structure hearings on the Appropriations subcommittee I chair on health and human services which funds the Office of Surgeon General. Those three lines, I think, have to be studied very closely—the sentencing for career criminals and rehabilitation for those who will be released and an effort to understand and try to deal with the culture of violence we have in our society today.

I thank the Chair, and I thank my colleague from Delaware. I yield the floor, releasing the remainder of my time.

The PRESIDING OFFICER. The Senator from New York is recognized for 9 minutes.

Mr. SCHUMER. Mr. President, I thank the Chair, and I thank the Senator from Delaware not only for his generous use of the time—which I will not need all of—but, more importantly, for his leadership on this issue in 1994, and again today. And I thank my friend from Pennsylvania, as well, for both of those things.

I have been in this Congress a long time; this is my 19th year. I have rarely seen a program be as effective as the COPS Program. It has worked. It has brought police officers and, just as important, new policing techniques from the largest city to the smallest rural hamlet. Before this bill passed, America, from one end of the country to the other, was crying out: Do something about ending crime.

Some said it is a local issue, not a Federal issue. But the average person didn't care about that. The average person just said to his or her government: Please, in God's name, do something. Stop the robberies, stop the burglaries, stop the auto thefts, and stop the murders.

A number of us who were concerned about this issue, including the Senator from Delaware, the Senator from Pennsylvania, and myself when I was then in the House, just scoured the country. We tried to find out what worked—not ideological, but something where we could have prevention or punishment. We found out that community policing worked just about better than anything else. Yes, we should have incarcerated more criminals—now we are—and had tougher penalties. Yes, we needed afterschool programs and things to help.

The bill Senator BIDEN and I authored—he in the Senate and myself in the House—was called ''tough on punishment, smart on prevention.'' That was our credo. Probably the most important and best program in that bill was the COPS Program. As I say, I have seen it work in every part of my State.

Violence is down, property theft is down, police officers are more fulfilled in the job that they do. In my own home State, in Buffalo, crime has been slashed more than 30 percent; in Albany, 24 percent; in Nassau County, 24 percent; in New York City, 44 percent. Talk to police chiefs, talk to ordinary cops, talk to criminologists; they will all point to the COPS Program.

My colleagues, this program expires in the year 2000. If it is so successful, and if we want to continue our fight against crime, we should be doing this. Keep up tough punishment, keep up smart prevention, but continue to fund this successful program.

My colleague from Delaware is not being hyperbolic when he says this is one of the most important programs that we passed. We need to continue it. And putting 30 to 50 new officers on the beat, particularly the middled-sized and small cities, which have not applied because they haven't had the chance that the larger cities have had, is vital. It will help economically distressed communities, which all of us represent—no matter what part of the country we are in—to absorb some of the long-term costs of new police hires. And when crime goes down, which it does, because of the COPS Program, there are more jobs in a community, there is better health in a community, and the educational system works better in a community. It is good in every way.

COPS isn't the only reason crime has gone down. But, just the same, no one can reasonably claim it is not a good part of the reason.

I urge my colleagues in the strongest of terms to support this amendment to continue this magnificently successful program.

I yield the remainder of my time.

Mr. BIDEN. Mr. President, I would like to reserve the remainder of the time.

The PRESIDING OFFICER. The Senator reserves 9 minutes 4 seconds.

Mr. SCHUMER. The time the Senator from Delaware so generously yielded to me I yield right back to him.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I yield such time as the Senator from Oklahoma desires.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. NICKLES. Mr. President, I thank the former chairman of the Judiciary Committee, Senator BIDEN, who is on the floor. Maybe he can answer a couple of questions.

I am trying to find out how much this amendment costs. Can you tell me how much it costs a year?

Mr. BIDEN. It will cost over 5 years $1.15 billion—total cost for 5 years.

Mr. NICKLES. Maybe I am reading the amendment wrong. The way I am reading the amendment, it says——

Mr. BIDEN. I beg the Senator's pardon. It is $1.150 billion per year.

Mr. NICKLES. Just a few billion dollars.

Mr. BIDEN. Over 5 years—it is over $1 billion.

Mr. NICKLES. $1.150 billion each year.

Mr. BIDEN. That is correct.

Mr. NICKLES. That is to hire how many cops?

Mr. BIDEN. It could hire up to 50,000 cops.

Mr. NICKLES. One-hundred and fifty thousand, or fifty thousand?

Mr. BIDEN. It could fund 50,000 cops for the entirety of the 5 years. But it could also only hire 30,000 cops, if in Oklahoma City they decide to use the COPS money for overtime instead of hiring new shields.

Mr. NICKLES. What is the estimated cost, or subsidy, or the Federal payment per cop?

Mr. BIDEN. It is roughly $50,000.

Mr. NICKLES. The first year?

Mr. BIDEN. The first year—per year.

Mr. NICKLES. Let me back up. I will reclaim my time, but please correct me if I am wrong. I asked staff how much this subsidy cost, and they said the old program cost a total of $75,000 over 3-year period—$50,000 the first year, $15,000 the second year, and $10,000 the third year—for a total over a 3-year period of $75,000 in a Federal subsidy.

Mr. BIDEN. That is correct.

Mr. NICKLES. The staff tells me that under the proposed new authorization that cost rises from $75,000 to $125,000 per police officer. Is that correct?

Mr. BIDEN. I don't know how they get that number.

Mr. NICKLES. I am just getting it from staff. My point is that this is an enormously expensive program.

Let me ask the question a different way. If I can have the Senator's attention, I only have 7 minutes and I have to go kind of quick.

Can he tell how much the cost is per cop per subsidy per year? It is graduated—100 percent the first year, and some other reduced percentage over the next 2 years. Can the Senator give us those percentages?

Mr. BIDEN. The same as the existing COPS Program.

Mr. NICKLES. Let me reclaim my time. On page 10 of the amendment, it says ''hiring cops.'' It says the bill is amended by striking $75,000 and inserting $125,000.

The cost of this program—the subsidy of this program right now of the current program, the one we have had for the last 5 years—has been a Federal subsidy per cop of $75,000. That is a pretty generous subsidy. I believe the first year subsidy is $50,000. In Oklahoma that may pay the entire salary of a cop. Maybe it doesn't in some places. But it does in my State. Then the subsidy is reduced the next couple of years so that by the fourth year, the total cost of the program needs to be borne by the city.

This subsidy is much greater. The Senator's amendment says the subsidy increases from $75,000 to $125,000. For

$125,000, you can pay, frankly, probably the entire 3-year salary in many areas—certainly in rural areas. And some people said we purported to help them particularly.

I just question the wisdom of doing it.

I have just two more comments. We are having the Federal Government provide for police in cities, and that is not a Federal responsibility. I think it is a mistake.

I also think it is kind of gratuitous to say this program is responsible for the decline in crime rates. I think that might be a lot more attributable to a change in political leadership in the states and in the Congress. I know the mayor in New York City has had a different philosophy on crime which is greatly responsible for the reduction in crime. Now he may take advantage of this program. In a lot of cities they are going to say: Hey, if you will help pay for our police force, thank you very much.

But why should we be doing it? Is that a Federal responsibility?

The whole purpose of the program initially, if I understand it, was that we were going to put 100,000 cops on the street, but then phase it out. This was not going to be an addiction for cities. We would phase it out where the Federal Government may pay 100 percent the first year, but by the fourth year the subsidy is reduced to zero. Put another way, where the Federal Government was paying most of the subsidy to get this thing started to hire new cops, but by the fourth year the cost would be totally borne by the city. Now we are saying let's extend it. Let's just keep this thing going. Let's have more Federal cops.

Then we passed an amendment yesterday, for the information of my colleagues, over my objection. But it passed by unanimous consent, unfortunately. It said that we have a COPS Program, and some of these cops are going into schools, and we will waive the requirement of local matching funds. In other words, the cops will be paid for 100 percent by the Federal Government. That is now part of this bill. We will waive the local contribution. So it won't be just a partial Federal subsidy, it will be a total Federal subsidy.

Is that the Federal Government's responsibility? I don't think so.

If we want to subsidize cities, subsidize cities. We are saying: Well, let's have the Federal Government do it. We have a problem. Let's just write a check. We don't think the city should be able to decide their own needs.

Maybe they need computers and cars, and not cops. Maybe they need a different training program. But we are saying, no: you are going to have the cops.

There is a study that was done by the inspector general, the IG. Maybe the Senator from Utah will allude to it. The IG's research said—in just one example—52 out of 67 grantees are receiving more grants; 78 percent either could not demonstrate that they redeployed officers, or could not demonstrate they had a system in place to track the redeployment of officers into community policing. At that point, the COPS office counted 35,852 officers under more programs toward the President's goal of adding 100,000: we hadn't made it to 100,000. It says 60 of 147 grantees—41 percent—showed indicators of using Federal funds to supplement local funding instead of using grant funds to supplement local funding.

In other words, hey, Federal Government, thank you very much. You are helping meet our budgets, and we appreciate the contribution. Meanwhile, it just so happens that we have a Federal Government that doesn't have a surplus, if you do not include the Social Security surplus.

I don't think we should be subsidizing cities. I don't think we should get cities addicted to this program that will never end, especially when you are talking about increasing the cost from $75,000 per police officer to $125,000. I don't think we can afford that.

I urge my colleagues to vote no on the amendment.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, I recommend to the Senator from Delaware that what we should have done is consider this amendment—that is, the Senator's legislative proposal—on the Department of Justice reauthorization bill, and deal with this issue at that time, but only after hearings to see whether we can resolve some of these problems raised by the Inspector General. The Biden amendment reauthorizes the Clinton administration's COPS Program. This amendment would cost in the neighborhood of $7 billion. It doubles the cost of this bill. I don't oppose more money to hire police and have law enforcement, but we need to ensure flexibility in our grant programs. The Biden amendment does not provide for adequate flexibility. The Congress has provided flexible grants to law enforcement through the local law enforcement block grants.

Ironically, the President's budget zeros out funding for the block grant program. Here we are debating a $7 billion amendment. The Department of Justice is proud of this program, but the Department of Justice's Inspector General does not share their view. The Department of Justice's Inspector General found serious mismanagement and inappropriate use of funds.

Let me cite a few examples that the distinguished Senator from Oklahoma referred to:

20 out of 145 grantees, 14 percent, overestimated salaries and or benefits in their grant application. I won't read all of this, but let me cite just a few more.

74 of 146 grantees, 51 percent, included unallowable costs in claims for reimbursement; 52 out of 67 grantees receiving COPS MORE grants, 78 percent, either could not demonstrate that they redeployed officers or could not demonstrate they had a system in place to track redeployment of officers in community policing; 60 of 147 grantees, 41 percent, showed indications of using Federal funds to supplant local funding, instead of using grant funds to supplement local funding; 83 of 144 grantees, 58 percent, either did not develop a good-faith plan to retain officer positions or said they would not retain the officer at the conclusion of the grant.

I believe there are some positive aspects to the COPS Program, but a $7 billion program with serious questions concerning the management of the program and the use of grants by recipients should not pass the Senate with only a 45-minute debate.

I want to work with my colleagues on the law enforcement grant programs, but we should not try to do it on this bill. I will work with anyone who wishes to join me, but not on this bill. I plan to move a Department of Justice reauthorization bill later this year. If my colleagues truly wish to work with me, I suggest to them we do this on that authorization bill.

I reserve the remainder of my time.

Mr. BIDEN. Mr. President, I reserve my remaining time.

The PRESIDING OFFICER. The Senator from Delaware has 9 minutes and the Senator from Utah has 5 minutes 14 seconds.

Mr. HATCH. I yield 3 minutes to the distinguished Senator from Alabama.

Mr. SESSIONS. Mr. President, Senator HATCH chairs the Judiciary Committee. It would be the responsibility of that committee to give oversight to the COPS Program. It has been a 5-year program and requires a reauthorization.

We just received, within the last month or 6 weeks, an inspector general's report from the Department of Justice. This is President Clinton's Department of Justice. It raised serious concerns about how this program is being managed and administered.

When 78 percent of the recipients could not demonstrate they redeployed officers, or could not demonstrate they had a system in place to track the redeployment of officers in the community policing, then we have a problem, since the whole COPS Program was sold as a program to further community policing. It was supposed to bring new police officers on line.

We found 41 percent of the programs inspected by President Clinton's Department showed indicators of using Federal funds to supplant local funds instead of using grant funds to supplement local funding.

I am reading directly from the report.

These are very serious allegations. To pass this amendment, $7 billion to reauthorize this program, in the dead of night without any hearing would be a colossal blunder. It would be an abdication of our responsibility, especially

in light of this scathing report by the inspector general's office. The thought of it boggles my mind. I can't believe it would be even suggested.

We ought to review, as we were supposed to when the program passed 5 years ago, how it has worked. We haven't had any hearings on it.

I yield the floor.

Mr. FEINGOLD. Mr. President, I rise today in support of the amendment offered by my distinguished colleague from Delaware, Senator BIDEN. I would like to take this moment to highlight one element of Senator BIDEN's amendment, the extension and expansion of the Community Oriented Policing Services (COPS) Program.

I have heard one consistent theme throughout the debate on this juvenile justice bill: a desire to stop, once and for all, the senseless schoolhouse shootings like those that occurred in Littleton, Jonesboro and Paducah. There is a growing sense among Americans that we are no longer safe in our homes, in our schools, in our communities. But while we have heard sharply disparate views about issues like gun control and content of video games in the debate so far, one sure way to reduce crime and restore peace of mind is through community oriented policing.

As you are aware, the COPS Program was established in 1994 to put more police officers on the streets and to encourage police interaction with the communities in which they work. This program is a shining example of an effective partnership between local and federal governments. It provides federal assistance to meet local objectives. It does not interfere with local prerogatives; it does not impose mandates. The program provides funding to counties, towns and cities to enable communities to put more police on the street. Individual police and sheriff's departments have discretion over how those funds are used, because they know what problems their communities face and the places they need help most.

COPS has had a positive, and very tangible, impact on communities throughout the country, including in my home state of Wisconsin, by putting more police officers on our streets and making our citizens safer. In the state of Wisconsin alone, COPS has funded over 1,100 new officers and contributed more than $70 million to communities to make it happen. The COPS Program has succeeded because it helps individual officers to be a friendly and familiar presence in their communities. They are building relationships with people from house to house, block to block, school to school. This community policing helps the police to do their job better, makes the neighborhoods and schools safer and, very importantly, gives residents peace of mind.

Let me illustrate the strong causal relationship between community oriented policing and a reduction in the crime rate. I would like to share with you the story of Chief Jeff Lieberman of Fountain City, Wisconsin. Chief Lieberman polices a small town with big city crime problems. Chief Lieberman moved to Fountain City in 1992 and was faced with an alarming juvenile crime rate. What could he do to decrease the juvenile crime rate? While jails were being built and sentences were being stiffened, Chief Lieberman reached out to the community. He embarked upon a crusade to visit classrooms and teach children about law enforcement and safety. To allow the children to relate to him as they would to any other person and feel comfortable talking to him, he would sometimes dress in shorts and bring his dog to class. Not only has he won their respect, the children now show greater respect for their community. This success is reflected by the fact that during his tenure, he has reduced the juvenile crime rate by an astonishing 99%.

Chief Lieberman has earned a reputation in the community as a caring and compassionate citizen, as well as an outstanding law enforcement officer. I might add that Chief Lieberman was recently recognized for his effective community oriented policing by the National Law Enforcement Officers Memorial Fund as the March 1999 Officer of the Month.

I do not believe the answer to the tragedies in Littleton, Jonesboro and Paducah is one extreme or the other—a ban on all guns or censorship of the entertainment industry. The answer is to educate our young people, nurture them, protect them and give them thousands more ''Chief Liebermans'' across this country. Senator BIDEN's bill does just that. It provides for expanding the much-lauded COPS Program to ensure that we have 30,000 to 50,000 ''Chief Liebermans'' in schools, towns and cities across, not only Wisconsin, but the entire nation. I urge my colleagues to join me in supporting this amendment and continuing our drive to put more police officers on the streets and in touch with their communities.

I yield the floor.

Mr. HATCH. Let me make just a few more comments on this amendment. It has been suggested by the amendment's sponsors that the COPS program is responsible for the decline in crime in our country. Now, crime rates are still far too high, and are very high by historical standards. Be that as it may, we have seen some improvement in the past several years. But has the COPS Program been responsible for even the modest improvements we have seen? The evidence certainly suggests not.

First of all, the program's grants have always been too spread out to have more than a marginal impact on crime rates. Second, law enforcement authorities themselves have been skeptical. For instance, in 1995, Chicago experienced sizable reductions in murder, robbery, and assault well before the COPS Program ever got off the ground. The Chicago Police Department cited a number of local initiatives that made a difference, including tracking every gun used by juvenile offenders, and using a towing ordinance in effect for narcotics and prostitution enforcement.

Time and time again, the factor cited by the successful police executives traced the roots not to the Federal Government, but to local institutions, citizens, and police chiefs imposing accountability on their local police departments.

Perhaps the best example of all is New York City, where a new police chief successfully attacked quality-of-life crimes and enforced accountability for the officers of the New York Police Department by setting standards of performance backed by a system of incentives and disincentives. New York City's murder rate fell so fast its decrease alone accounted for over 25 percent of the total nationwide drop in homicides in 1996.

In 1997, the 21.7-percent drop in murders in New York City represented 14.8 percent of the total national decrease in murders. Yet, in New York City, which had 38,189 police officers in 1996, they added precisely 342 Clinton cops by 1995. Only 28 of the 342 new cops were actually new hires.

I would like hearings on this matter. I would like another full authorization bill. I hope our colleagues will not vote to double the costs of this bill with this particular amendment, as well intended as it is.

The distinguished Senator from Delaware knows that I have great feelings for him and for what he is trying to do, but I also believe we ought to do it in the right way.

Mr. BIDEN. Benjamin Disraeli says there are three kinds of lies: lies, damn lies, and statistics.

I don't know where my friends have been. Every major police agency in the United States of America strongly endorses this particular bill. The National Fraternal Order of Police, the International Association of Chiefs of Police, the National District Attorneys Association, the National Association of Police Organizations.

You all ought to go home and speak to your chiefs. Find me in your State more than a handful of police officers who will come and say this is a bad idea. Find me anybody in this country who will say adding 92,000 cops on the street has not had an impact on crime.

Where have you been? What are we talking about here? This doesn't even pass the smell test. Those cops don't matter? Ask Rudy Giuliani, who picks up the phone and calls me and says, JOE, great idea, when the COPS bill passed.

Mr. Riordan, a Republican mayor in Los Angeles: Great bill.

I wonder if anybody goes home to their States. My Lord, I don't know where you all are. I look at these numbers.

Let's talk about that report. Remember, I said there are three kinds of lies: lies, damn lies, and statistics.

That report referred to by the inspector general says 1.2 percent of the COPS Program could have been spent better. Name for me a multibillion-dollar program the Federal Government has ever conceived that has a 1.2-percent problem.

Come on. As my daughter's friends would say, Get real. What are we talking about here?

I was so amazed by the assertions being made, I lost my train of thought here. The inspector general's report, ''Summary of the Findings of the IG,'' page II:

> In considering our COPS audit results it should be kept in mind that they may well not represent the overall universe of grantees because, as a matter of policy, the COPS program has referred to us for review those riskiest grantees.

Do you get this? Unlike the Defense Department, the Department of Education, any other Department, the Attorney General's Office said, we think maybe some of what we put out there may not be being used properly, so you go out and investigate for us. Give me a break.

When is the last time you heard someone at the Defense Department say: You know, we may have overpaid a contract; you ought to go investigate.

When is the last time you heard someone at the Department of Education say: You know, we think we may have given a school district too much money; go investigate.

With the Attorney General of the United States of America, in the COPS Program, there is a department called COPS. They said: We want you to look at this. We could have made some mistakes here. We are not certain that every municipality used this money for cops the way we wanted to use it. Go look at it.

Now these guys are trying to hoist them on their own request?

By the way, 1.2 percent? I ask my friend from Oklahoma, let's look at the Defense Department; 1.2 percent? I will lay you 8 to 5 I can find a 50-percent waste of money in half the programs you support: 1.2 percent, what an indictment. Come on. You do not like the COPS Program because it was not invented there.

By the way, I find it fascinating. One of my friends said: You know, part of the problem here is this has nothing to do with COPS. It had to do with political leadership.

Guess who has been in charge. A guy named Clinton. That is the first admission I have heard: Clinton reduced crime, more than the COPS Program. More than the COPS Program. I find that not true, but kind of encouraging.

Look, COPS makes a difference. Ask your folks back home, ask the people in the gallery, ask the people out in the street, where would they rather have their money being spent? This works. This works.

By the way, this bill has a little provision BARBARA BOXER has in here. It says we will pay for all the money it costs to put a cop in a school. Go home and tell the folks you do not want to do that. Go home and tell the folks that is simply a local requirement.

Inflexibility? The reason it is under $25,000 is flexibility. We want to give them more flexibility to use the moneys they can use, still requiring the local municipality, the State, to put up their own money to do this. Come on, name a program that has worked this well. Name a program that has had this much success. Name a program that has this little amount of waste. Name a program that has fewer Federal strings attached to it. Name a program.

By the way: Oversight; oversight. We have had 5 years to have oversight. One of the reasons we have not had oversight hearings, I suspect, is you do not want to hear the results. Call in your mayors, call in your chiefs of police, call in your citizens, call in the PTA, call in the Marines. Call in anybody you want. Say: ''By the way, I'll tell you what we are going to do. We are going to cut funding for COPS, that's what we're are going to do.'' I dare you. Come on.

In New York City—I do not know how many New York received. I will tell you what, New York State over this period received—I bring up the subject because New York was mentioned —New York State has 10,550 cops. ''But they did not make any difference, by the way. New York is safer because there is a Republican mayor. That is the reason. COPS had nothing to do with this, nothing to do with this. I want you all to know that, COPS had nothing to do with crime going down.''

Does everybody hear that? Is everybody listening? ''The additional cops have nothing to do with this.'' That is the Republican position. COPS do not have anything to do with this. If they do, the Federal Government should not be involved.

Let me conclude by saying this. My friend says, why should the Federal Government be involved? Because Federal policy is part of the problem. The drug problem in America is a Federal problem, not just a local problem. A significant portion of the crime is caused as a consequence of the international drug problem, and it is a Federal problem, Federal responsibility.

I thank my friend. I hope my colleagues will vote for this amendment.

I yield the floor.

The PRESIDING OFFICER. All time has expired.

The Senator from Utah.

Mr. HATCH. Mr. President, I note the distinguished Senator did not dispute the findings of the inspector general.

I ask unanimous consent an editorial from USA Today entitled ''100,000–cops program proves to be mostly hype'' be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From USA Today, Apr. 13, 1999]

100,000-COPS PROGRAM PROVES TO BE MOSTLY HYPE

Nassau County, N.Y., needed more police, or so it said. So, Uncle Sam ponied up $26 million from President Clinton's much-vaunted Community Oriented Policing Services (COPS) program to help it add 383 police to the beat.

And what happened? In an audit being compiled for the Justice Department, its Office of Inspector General found that the actual number of county-funded police officers went from 3,053 in May 1995 to 2,835 in May 1998—a decline of 218.

What's going on? A lot of funny number crunching at the expense of taxpayers and possibly crime-fighting.

When President Clinton initiated the $8.8 billion program in 1994, he promised it would put 100,000 more police on the street after five years. Then, communities pay their own tabs.

But Nassau County is one of more than 100 communities where federal auditors found costly problems. A final report detailing them is expected this week. And initial research for that report paints a bleak picture.

Richmond, Calif., for example, received $944,000 in COPS grants from 1995 to 1997 to add nine officers. It used the money to fund vacant positions instead. Atlanta, federal auditors found, used COPS money to replace it own police funds, too. And auditors looking at $400,000 in grants for Alexandria, Va., found no documentation that equipment purchased with the grant money put more officers on the street as pledged.

Many of the communities have excuses. For instance, Nassau County is in fiscal crisis.

The discrepancies, though, indicate much of the hype for COPS is misleading.

Two weeks ago, Vice President Al Gore claimed COPS had already added 92,000 police, who were playing ''a significant role in reducing crime,'' Yet, as the audits indicate, the numbers don't add up. Many of the new police are fictitious. In addition, the administration counted 2,000 police hired with prior federal grants toward the 100,000 goal.

Finally, a third of the counted positions have come from grants funding new civilian positions and equipment, not police. Spokane, Wash., which wasn't audited, says it added only a couple of dozen officers, though it was credited with adding more than 90. The reason: a $2.5 million equipment grant.

As for the claim that more police equals less crime, the evidence isn't clear.

Nassau County, despite its drop in police, has seen its crime rate drop as much as in New York City, which has increased its force by a third since 1992. And many communities that didn't accept any COPS grants saw crime decline precipitously, too.

The COPS program has done little to explain these discrepancies. It instead points to support from police chiefs and national crime statistics as proof the program works.

The public naturally wants safer streets, and the Clinton administration is trying to politically cash in again by pushing a new $6.4 billion plan to add up to 50,000 more police on the beat. But before Congress gives it the money, it should demand that the administration better monitor its grants and results. Taxpayers shouldn't be asked to pay for police who may not even be there.

Mr. BIDEN. Mr. President, I ask unanimous consent the report of the IG be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

POLICE HIRING AND REDEPLOYMENT GRANTS SUMMARY OF AUDIT FINDINGS AND RECOMMENDATIONS, OCTOBER 1996–SEPTEMBER 1998—EXECUTIVE SUMMARY

I. BACKGROUND

In 1994, the President pledged to put 100,000 additional police officers on America's streets to promote community participation in the fight against crime. He subsequently signed the Violent Crime Control and Law Enforcement Act of 1994 (Crime Act), authorizing the Attorney General to implement over six years an $8.8 billion grant program for state and local law enforcement agencies to hire or redeploy 100,000 additional officers to perform community policing.

The Attorney General established the Office of Community Oriented Policing Services (COPS) to administer the grant programs and to advance community policing across the country. Management of the COPS grants entails both program and financial management. The COPS office is responsible for: (1) developing and announcing grant programs, (2) monitoring programmatic issues related to grants, (3) receiving and reviewing applications, and (4) deciding which grants to award. The Department of Justice's Office of Justice Programs (OJP) is responsible for financial management of the COPS program and is charged with: (1) disbursing federal funds to grantees, (2) providing financial management assistance after COPS has made an award, (3) reviewing pre-award and post-award financial activity, (4) reviewing and approving grant budgets, and (5) financial monitoring of COPS awards.

In order to meet the President's goal of putting 100,000 additional police officers on the street, COPS developed six primary hiring and redeployment grant programs for state and local law enforcement agencies. Hiring grants fund the hiring of additional police officers and generally last for three years. Redeployment grants are generally one-year grants and fund the costs of equipment and technology, and support resources (including civilian personnel) to free existing officers from administrative duties and redeploy them to the streets. At the end of the grant period, the state or local entity is expected to continue funding the new positions or continue the time savings that resulted from the equipment or technology purchases using its own funds.

According to COPS, as of February 1999, COPS and OJP had awarded approximately $5 billion in grants under the six programs to fund the hiring or redeployment of more than 92,000 officers, of which 50,139 officers had been hired and deployed to the streets. COPS obtains its ''on the street'' officer count by periodically contacting grantees by telephone.

II. SUMMARY FINDINGS

From October 1996 through September 1998, the Office of the Inspector General (OIG) performed 149 audits of COPS and OJP hiring and redeployment grants totaling $511 million, or 10 percent of the funds COPS has obligated for the program. We continue to perform additional grant audits as our resources permit. Executive summaries of these audits are available for public review on our website: <http://www.usdoj.gov/oig>. A comprehensive program audit of COPS' and OJP's administration of the overall $8.8 billion Community Policing Grant Program is nearing completion and should be issued in the next few months.[1]

Our audits focus on: (1) the allowability of grant expenditures; (2) whether local matching funds were previously budgeted for law enforcement; (3) the implementation or enchantment of community policing activities; (4) hiring efforts to fill vacant sworn officer positions; (5) plans to retain officer positions at grant completion; (6) grantee reporting; and (7) analyses of supplanting issues. For the 149 grant audits, we identified about $52 million in questioned costs and about $71 million in funds that could be better used. Our dollar-related findings amount to 24 percent of the total funds awarded to the 149 grantees.

In considering our COPS audit results, it should be kept in mind that they:

(1) Are snapshots as of the grant report's issuance date. Subsequent communication between the auditee and COPS/OJP may result in correction to, or elimination of, the issues noted during our audit; and

(2) May well not be representative of the overall universe of grantees because, as a matter of policy, COPS has referred to us for review what it believes to be its riskiest grantees. During FY 1998, we began supplementing COPS requests for audits by selecting about one-half of the grantees ourselves. Our results to date, however, may still be skewed because of the number of audits conducted on COPS-requested grantees and because our selections were not entirely random. Some of our audits were also intended to be targeted at suspected problem grantees. (Of the 149 audits we performed through September 30, 1998, 103 were referred to us by COPS or OJP. Although we selected only 46 of the 149 audits summarized in this report ourselves, our results to date do not differ markedly from the results in the COPS/OJP referred audits.) It should also be noted that COPS and OJP do not always agree with our findings and recommendations. Upon further review and follow-up, COPS and/or OJP may conclude that, in their judgment, a grant violation did not occur.

Other findings include:

20 of 145 grantees (14 percent) overestimated salaries and/or benefits in their grant application. The COPS office depends primarily on the information provided by the law enforcement departments that submit the grant applications. When grantees overestimate salaries and/or benefits, COPS overobligates funds that could be available for use elsewhere. Also, grantees may be using the excess grant funds for purposes that are unallowable.

74 of 146 grantees (51 percent) included unallowable costs in their claims for reimbursement. Types of unallowable costs include overtime, uniforms, and fringe benefits not previously approved by OJP. When grantees overstate costs, COPS program costs are overstated and taxpayer money is at risk.

52 of 67 grantees receiving MORE grants (78 percent) either could not demonstrate that they redeployed officers or could not demonstrate that they had a system in place to track the redeployment of officers into community policing. The COPS office counts 35,852 officers under the MORE program towards the President's goal of adding 100,000 additional officers.

60 of 147 grantees (41 percent) showed indicators of using federal funds to supplant local funding instead of using grant funds to supplement local funding. The findings included budgeting for decreases in local positions after receiving COPS grants (27 grantees), using COPS funds to pay for local officers already on board (7 grantees), not filling vacancies promptly (22 grantees), and not meeting the requirements of providing matching funds (35 grantees). When grantees use grant funds to replace local funds rather than to hire new officers, additional officers are not added to the nation's streets. Instead, federal funds are used to pay for existing police officers.

83 of 144 grantees (58 percent) either did not develop a good faith plan to retain officer positions or said they would not retain the officer positions at the conclusion of the grant. COPS and OJP started awarding community policing grants in FY 1994 and most grants last for about three years. If COPS positions are not retained beyond the conclusion of the grant, then COPS will have been a short-lived phenomena, rather than helping to launch a lasting change in policing.

106 of 140 grantees (76 percent) either failed to submit COPS initial reports, annual reports, or officer progress reports, or submitted these reports late. The reports are critical for COPS to monitor key grant conditions such as supplanting and retention.

137 of 146 grantees (94 percent) did not submit all required Financial Status Reports to OJP or submitted them late. Without these reports, OJP cannot monitor implementation of important grant requirements.

33 of 146 grantees (23 percent) had weaknesses in their community policing program or were unable to adequately distinguish COPS activities from their pre-grant mode of operations. The findings suggest a need for COPS to refine its definition of the practices that constitute community policing as well as those that do not.

After we issue our grant reports, COPS, OJP, and the grantee are responsible for ensuring that corrective action is taken. By agreement with COPS, OJP is our primary point of contact on follow-up activity for the grants, although COPS works with OJP to address our audit findings and recommendations, particularly those that indicate supplanting has occurred. The options available to COPS and OJP to resolve our dollar-related findings and recommendations include: (1) collection or offset of funds, (2) withholding funds from grantees, (3) bringing the grantee into compliance with grant terms, or (4) concluding that our recommendations cannot or should not be implemented. To address our non dollar-related findings and recommendations, COPS and OJP can, in addition to other options, bring the grantee into compliance with grant requirements or waive certain grant requirements. When OJP submits documentation to us showing that it has addressed our recommendations, the audit report is closed.

The report consists of the body of the report; a detailed matrix setting forth the audit findings made during the 149 audits; the response of COPS and OJP to a draft of the report, and our reply to their response.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, are the yeas and nays ordered on any of these amendments?

The PRESIDING OFFICER. On the Bond amendment only.

Mr. BIDEN. Mr. President, I ask for the yeas and nays on my amendment.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

[1] In addition to expanding on issues contained in this summary report, the program audit will report on COPS' ability to meet the President's goal to put 100,000 additional police officers on the street by 2000. The exact nature of the goal has become confused because of conflicting statements made by Administration officials, who state that the goal is to put 100,000 new officers on the street by the year 2000, and recent statements made to use by COPS officials, who state that the goal is to fund 100,000 new officers. The program audit addresses that issue at length and also addresses COPS' and OJP's monitoring of grantees and the quality of guidance provided to grantees to assist them in implementing essential grant requirements.

Mr. HATCH. I ask for the yeas and nays on final passage.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

VOTE ON AMENDMENT NO. 345, AS MODIFIED

The PRESIDING OFFICER. The question is on agreeing to amendment No. 345, as modified.

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from Louisiana (Ms. LANDRIEU) and the Senator from South Carolina (Mr. HOLLINGS) are necessarily absent.

The result was announced—yeas 41, nays 56, as follows:

[Rollcall Vote No. 138 Leg.]

YEAS—41

Allard	Domenici	McConnell
Ashcroft	Enzi	Murkowski
Bennett	Fitzgerald	Roberts
Bond	Frist	Rockefeller
Bunning	Gorton	Roth
Burns	Grassley	Sessions
Byrd	Hatch	Shelby
Campbell	Helms	Smith (NH)
Chafee	Hutchison	Specter
Cochran	Inhofe	Stevens
Coverdell	Kohl	Thomas
Craig	Kyl	Thurmond
Crapo	Lott	Warner
DeWine	Lugar	

NAYS—56

Abraham	Feinstein	Mack
Akaka	Graham	Mikulski
Baucus	Gramm	Moynihan
Bayh	Grams	Murray
Biden	Gregg	Nickles
Bingaman	Hagel	Reed
Boxer	Harkin	Reid
Breaux	Hutchinson	Robb
Brownback	Inouye	Santorum
Bryan	Jeffords	Sarbanes
Cleland	Johnson	Schumer
Collins	Kennedy	Smith (OR)
Conrad	Kerrey	Snowe
Daschle	Kerry	Thompson
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Voinovich
Durbin	Levin	Wellstone
Edwards	Lieberman	Wyden
Feingold	Lincoln	

NOT VOTING—3

Hollings	Landrieu	McCain

Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

VOTE ON AMENDMENT NO. 371

Mr. LOTT. Mr. President, I ask unanimous consent that the remaining votes—there are two of them in a series—be limited to 10 minutes in length. Senators, please don't leave the room. We are actually going to see if we can do one in 10 minutes. It is this one right now.

Mr. LEAHY. Mr. President, will the distinguished majority leader allow a minute on each side just prior to the vote?

Mr. LOTT. Usually we do that. I hope that we will not exceed that.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Mr. President, on the Biden amendment, Biden-Kohl-Schumer-Boxer-Specter amendment, it is very basic. Every major police organization in the country endorses this amendment. It adds a total of $600 million a year for the next 5 years for cops and $200 million a year for the next 5 years for prosecutors. It is endorsed by every major police organization. I hope my colleagues will vote for it.

I yield back the remainder of my time.

The PRESIDING OFFICER. The Senator from Utah.

Mr. HATCH. Mr. President, our bill is $1.1 billion per year. This is a $7 billion add-on. The fact of the matter is, we are going to have a Department of Justice authorization bill in the future. We will look at this and try to do it. We will have hearings on it, and we will do it the right way. It shouldn't be done on this bill.

I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 371. The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) is necessarily absent.

Mr. REID. I announce that the Senator from South Carolina (Mr. HOLLINGS) is necessarily absent.

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 139 Leg.]

YEAS—48

Abraham	Edwards	Lieberman
Akaka	Feingold	Lincoln
Baucus	Feinstein	Mikulski
Bayh	Graham	Moynihan
Biden	Harkin	Murray
Bingaman	Inouye	Reed
Boxer	Jeffords	Reid
Breaux	Johnson	Robb
Bryan	Kennedy	Rockefeller
Byrd	Kerrey	Roth
Cleland	Kerry	Sarbanes
Conrad	Kohl	Schumer
Daschle	Landrieu	Specter
Dodd	Lautenberg	Torricelli
Dorgan	Leahy	Wellstone
Durbin	Levin	Wyden

NAYS—50

Allard	Fitzgerald	McConnell
Ashcroft	Frist	Murkowski
Bennett	Gorton	Nickles
Bond	Gramm	Roberts
Brownback	Grams	Santorum
Bunning	Grassley	Sessions
Burns	Gregg	Shelby
Campbell	Hagel	Smith (NH)
Chafee	Hatch	Smith (OR)
Cochran	Helms	Snowe
Collins	Hutchinson	Stevens
Coverdell	Hutchison	Thomas
Craig	Inhofe	Thompson
Crapo	Kyl	Thurmond
DeWine	Lott	Voinovich
Domenici	Lugar	Warner
Enzi	Mack	

NOT VOTING—2

Hollings	McCain

The amendment (No. 371) was rejected.

Mr. LOTT. Mr. President, I move to reconsider the vote.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HELMS. Mr. President, I am grateful to Senators HATCH, ALLARD, ASHCROFT, and SESSIONS who have spent countless hours over the past two Congresses addressing the complex issues of school safety and juvenile violence.

And, needless to say, I deeply appreciate their accommodating my concerns regarding a bill that I regard as among the most significant pieces of legislation to be considered this Congress—and for their having included three of my amendments in the manager's education package.

When enacted, these provisions will improve access to public school disciplinary records by other schools; expand the authority of schools to run a national criminal background check on their employees; and encourage State and local governments to run such checks on all school employees who are charged with providing educational and support services to our children.

Together, these provisions will make sure that local public, private, and parochial schools are able to make informed decisions about these individuals—whether a student, a teacher, or other school employee—who pose an unreasonable risk to the safety and security of our children.

Mr. President, we all share a common responsibility to protect our children and a common hope that our children will have a bright future. Though we disagree on the wisdom of creating more gun control laws, there are things that we ought to agree are necessary and in our children's best interests.

In this spirit, I introduced a bill in the past two Congresses seeking to extend the provisions of the Gun-Free Schools Act to illegal drugs. This amendment is based on that bill and is cosponsored by the distinguished Assistant Majority Leader, Mr. NICKLES, and the distinguished Senator from South Carolina, Mr. THURMOND. I trust that this amendment will be looked upon favorably by Senators on both sides of the aisle.

Mr. President, this amendment will strike an important blow in the war against drugs by helping to protect America's school-children from the scourge of drugs in their classrooms. It does this by requiring States to adopt a low mandating ''zero tolerance'' for illegal drugs at school in order to qualify for Elementary and Secondary Education Act (ESEA) funds. Zero tolerance is defined as requiring any student in possession of a felonious quantity of this contraband at school to be expelled for not less than one year. Its adoption will finally send a clear unambiguous message to students, parents, and teachers—drugs and schools do not mix.

Anybody who questions the necessity of this measure should consider these excerpts from the 1998 CASA National Survey of Teens, Teachers and Principals. This outstanding report was

prepared by the National Center on Addiction and Substance Abuse at Columbia University under the direction of President Carter's former HEW Secretary, Joseph Califano. Under the heading ''Drug Dealing In Our Schools'', the report states:

For too many kids, school has become not primarily a place for study and learning, but a haven for booze and drugs. . . . Parents should shutter when they learn that 22 percent of 12- to 14-year-olds and 51 percent of 15- to 17-year-olds know a fellow student at their school who sells drugs. . . . Indeed, not only do many of them know student drug dealers; often the drug deals take place at school itself. Principals and teachers may claim their schools are drug-free, but a significant percentage of the students have seen drugs sold on school grounds with their own eyes. . . . In fact, more teenagers report seeing drugs sold at school (27 percent) than in their own neighborhoods (21 percent).

In other places, the report details that students consider drugs to be the number one problem they face and that illegal drugs are readily available to students of all ages. Exacerbating this terrible situation, illegal drugs are not cheaper and more potent than ever before. The CASA report goes on to state that ''one in four teenagers can get acid, cocaine or heroin within 24 hours, and given enough time, almost half (46 percent) would be able to purchase such drugs.'' Clearly, eliminating drugs from America's classrooms is a necessary first step to the restoration of order in our schools.

The harm that illegal drugs causes our students in incalculable. Though its' ill effects, disruptions, and the violence associated with it are not limited to those actually involved in the drug trade. The PRIDE survey, conducted by the National Parents' Resource Institute for Drug Education, found a link between school violence and drugs when it demonstrated that:

Gun-toting students were 23 times more likely to use cocaine;

Gang members were 12 times more likely to use cocaine; and

Students who threatened others were 6 times more likely to use cocaine than others.

Clearly, the connection between drugs and school violence is an irrefutable as it is frightening.

Mr. President, it should seem obvious that many children take guns to school because they are either involved in illegal activity or because they seek to defend themselves from those who are. It is clear that any further effort to eliminate guns and violence from schools must focus not merely on the gun but on the reasons why students choose to arm themselves. My amendment does precisely that.

My home state of North Carolina has not been immune to the ravages of illegal drugs. In fact, ''possession of a controlled substance'' has been either the first or second most reported category of school crime in North Carolina for the past four years. That's according to North Carolina State University's Center for the Prevention of School Violence, an outstanding organization that tracks the incidence of school crime and suggests ways to prevent it.

As bleak as the picture is, there are immediate steps that we can take to reverse course. Those who are on the ''front lines'' of our country's drug war have important things to contribute to the discussion. Overwhelmingly, students, teachers and parents support the adoption of a zero tolerance policy for drugs at school.

Among those surveyed, the CASA study found broad support for the adoption of firm policies on random locker searches, drug testing of student athletes, and zero tolerance policies. Regarding zero tolerance, 80% of principals, 79% of teachers, 73% of teenagers and 69% of parents voiced support for the adoption of such a policy at their school.

Additionally, 85% of principals, 79% of teachers and 82% of students believe that zero tolerance policies are effective at keeping drugs out of schools and that they would actually reduce drugs on their campus. Quoting from the CASA report again:

If these students believe them [zero tolerance policies] so effective, these policies must make an impact on their decisions to not bring drugs on campus. Given this, it seems that schools . . . should implement and strictly enforce zero tolerance policies. Perhaps in doing so they can increase their likelihood of eradicating drugs on their school grounds.

It is not my position that this amendment, by itself, will eliminate all drugs from our schools but it is clear that this is a long overdue step in the right direction.

This policy is firm but fair. The drug trade and the violence associated with it have no place in America's classrooms. Schools should foster an environment that is conducive to learning and supportive of the vast majority of students who want to learn. Children and teachers deserve a school free of the fear and violence caused by drugs.

Removing drugs and violence from our schools is a goal that we should all agree on. The President, in his 1997 State of the Union address, said ''we must continue to promote order and discipline'' in America's schools by ''remov[ing] disruptive students from the classroom, and hav[ing] zero tolerance for guns and drugs in school.'' I could not agree more with the President on this point: it is time that the Senate go on record in support of removing illegal drugs from America's classrooms, by approving this amendment.

Mrs. MURRAY. Mr. President, there was yet another tragedy in Atlanta this morning. This is one more violent act that brings America together in sorrow. We hope that it is also an opportunity to bring us together to learn some important lessons. What are people—young people especially—saying to us all when they turn to violence to address their problems?

This is an American challenge. We all have to do our part—in partnership. We must each do our job, but we must all work together. We in Congress are trying to do our part—passing bills, appropriating funds. But the Congress, like all of us, will do a better job when it really listens to the American people, and listens to young people. Every young person has the capacity to grow up to be a constructive citizen or a violent criminal. It's our job—all of us—to listen better.

When we do listen, we find two issues at the core: working in partnership, and improving the tools to help build the adult/child relationship.

How do we work together? There are many people who have answered this problem in communities all over the Nation. They abandon turf issues and special interests, they listen, and they remember that the child is at the center of the work. There are specific things we can learn in Congress from these communities—where to find the money and time and energy to get the work done together.

How do we improve the relationships and connections that young people make with adults?

It frustrates me that we cannot do some fairly obvious things—for young people, families, teachers, and communities.

What can we do for students? Why is it that we can't figure out ways of building meaningful roles for young people in their own education, and in their own community? Why is it that if you are too young to vote, you are not taken seriously or treated as a citizen? Why is that when a child's hand goes up in the classroom, that child can't get the attention he or she needs from a teacher?

We can do some simple things. We can ask young people what they think about how to prevent violence. We can reduce class size. We can make sure that when we hire more teachers, we have better and smaller schools in which to put them. We all have a role in making these things happen.

What can we do to better support parents and families? We all know that a strong family unit is the engine that drives our economy, and that when it works well, it is the best and cheapest prevention program out there. So why is it so difficult to improve the tools and information available to parents?

All parents want to do their best, so why is it off limits to talk about the problems with our economy, to talk about how parents spend too much time at work and not enough time with kids? Why can't we do the simplest things to make life easier for people who work harder and harder to provide for their family and spend less and less time with their kids?

We can start with something simple, like making sure parents don't suffer at work just because they want unpaid leave time to go to a school conference, or take care of an emergency at their child's day care. We should improve the Family and Medical Leave Act. Again, there are things we all can do to make these things happen.

What can we do for teachers and other educators? Why can't we give them a small enough class so they get to know each child, and can find 5 extra minutes with the child who needs the most help that day? Why do we expect our teachers to deal with every educational and social issue under the Sun, but we can't treat them as professionals?

We need to reduce class size. We need to improve teacher training. We need to improve teacher pay and professionalism. And, we need to think about one thing we can each do to act as a resource to that classroom. Is there a phone call we could make? An educational tool we could buy for the class? A day we could give to working for the passage of the school levy? There are things we all can do.

What can we do to help communities support the adult-child relationship, and build connections for young people? Why is it that we don't have more adults participating in the lives of young people? Why is it that a student can walk from home to school to the mall to the quickie-mart and back home again and feel invisible and anonymous? Why can't we allow our communities into our public school buildings at nights and on weekends?

We should expand community education opportunities, and when we offer tax incentives, they should be the right ones that help communities invest in young people. We should each make sure to smile at young people, to keep an eye on them, to set high expectations, and to give them meaningful opportunities. Again, there are things we all must do.

All over America, there is a conversation going on around the kitchen table, and on the school bus, and at the mall, and around the water-cooler. We need to listen carefully to this conversation—to what is being said and asked for, and what is not. We need to act carefully, and invest wisely. But, most importantly, each of us need to keep this conversation going—to find out what to do and do it—until we create the America we want for our children and young people. And you know one of the best, most overlooked resources for building the America we all want? The young people themselves. Let's start by listening to them.

The juvenile justice bill fails to fully address these problems. While many amendments have been adopted that focus on the right solutions, we failed to achieve support for most of those that would have focused this legislation on those things that could best solve youth violence. With that said, I will vote for the bill because I believe it has many positive provisions that combat youth violence.

The bill provides important block grants to States to assist them in their efforts to address juvenile crime. While I prefer a high percentage of these funds be required for prevention, I know my State of Washington intends to continue to invest in steering kids away from crime through proven community-based prevention programs. The bill also provides for Internet filtering and screening software that will allow parents to regulate what their children are viewing over the Internet. It also made transfers of several types of firearms to children illegal.

As I have already said, I agree with many of my colleagues who have said that there is no legislative ''quick fix'' to this terrible problem that is destroying so many young lives. The issue of youth violence involves complex and interrelated factors. From prevention programs that involve parents, teachers and communities, to strong law enforcement measures, there are many different tools we must use to attack the problem from all angles and prevent further tragedies like the one in Littleton.

We must punish those who commit crimes, but we must also do all we can to prevent crimes before they happen, to intervene before small problems grow to crisis proportions. We must give schools and law enforcement officers the tools they need to identify the warning signs that lead to juvenile violence and to let youth know that crime is not an acceptable answer.

While the bill does contain a ''prevention block grant,'' there is no guarantee the money will be used for prevention. Dollars from these grants could be used to build more prisons or increase enforcement. While these are laudable goals, without a guaranteed set-aside for prevention, a State could fail to attack youth violence before it starts. We must reach out to prevent at-risk youth from starting down a path of crime in the first place. While we were unable to secure specific amounts for prevention, I am hopeful that States will use their discretion and undertake prevention programs. An ounce of prevention is worth a pound of cure.

Some of my colleagues have offered amendments to provide resources for effective violence prevention, and I am disappointed they have not been adopted. Last week, Senator ROBB offered an amendment that would have provided funds for schools and law enforcement to identify and effectively respond to juvenile violent behavior. It would have established a National Clearinghouse of School Safety Information and provided an anonymous hotline to report criminal behavior and a support line for schools and communities to call for assistance.

In addition, the Robb amendment would have provided treatment programs that identify and address the symptoms of youth violence to steer juveniles away from criminal behavior. It also would have provided authorization for afterschool programs, which have been very effective at keeping high-risk youth off the street and involved in activities that assist in their education and growth.

I am hopeful that similar legislation will be offered again and that my colleagues will reconsider and give it their support.

In addition to my disappointment at the lack of adequate resources for violence prevention, I have other concerns about this bill.

I am very concerned about the fate of our youth serving time in prisons and other detention facilities. While we must certainly punish those who have committed crimes, we must make a serious attempt at rehabilitation and not allow juveniles to turn into hardened criminals in the course of their incarceration. It is well-known that juveniles who have contact with adults in prison are further indoctrinated into a life of crime or worse, assaulted or even killed. Current requirements prohibit juveniles, whether they were tried as adult or juveniles, from being kept in any adult jail or corrections institution where they have regular contact with adult inmates.

The Hatch bill weakens that standard by allowing ''incidental'' contact and permitting construction of juvenile facilities on the same site as those for adults. Even convicted juveniles should be protected from hardened criminals. Those youth who are the most successful in a mixed juvenile-adult environment will be the ones we will least want back on the streets once they have served their time. It is my understanding that the Feinstein-Chafee amendment improved this provision, for which I am thankful, increasing protection of our children while they are in state custody.

I also feel the Hatch bill critically weakens measures to address disproportionate minority confinement. The legislation replaces references to ''minority'' or ''race'' with the vague phrase ''segments of the juvenile population.'' Further, the Hatch bill is less instructive on what must be done to address the problem of discrimination, essentially making the issue a mere concern rather than a problem we must correct. This is the wrong direction to be heading if we truly seek to achieve fair and unbiased treatment of all people within the judicial system. An amendment to correct this problem was defeated.

The Hatch bill also contains very troublesome provisions to allow the prosecution of children as young as 14 as adults, and gives prosecutors—not judges—the discretion to try a juvenile as an adult. Judges make judgments; prosecutors prosecute. It is obvious who is better qualified to render an unbiased decision on whether a 14-year-old should be considered an adult.

There is another idea missing from this bill. To solve youth violence we must all talk to the true experts: young people themselves. We need to listen to more than the student body presidents and the class valedictorians. We need to hear from ''regular'' kids.

I know that I have learned a tremendous amount from doing that. Two weeks ago, I met with 10th graders in Kent, WA who told me some shocking

things. They said that nearly all of them knew where they could get a gun within a day. That is a sad statement abut the lives of our youth. They are afraid and they are thinking about how to defend themselves with a gun.

In the end, we were able, through the Lautenberg amendment on gun shows, to close one of the more glaring loopholes that allow young people and children to get guns. After much flip-flop on the issue by Republicans, a handful of their courageous Members lent enough support to this amendment by Senator LAUTENBERG to close some of these guns show loopholes, but this was not until they had tried two amendments of substance on the issue. Furthermore, it took the Vice President of the United States, acting in his role as the President of the Senate, to cast the final vote to break the tie that will help keep kids and guns separate.

Overall, S. 254 does much to tackle the tough questions surrounding juvenile justice. But as I have stated, there are a number of ways we could have improved this bill. We need to focus on preventive measures that bring together parents, kids, counselors and teachers; provide resources to enable people to identify and intervene in potentially dangerous situations; and give law enforcement the tools it needs to deal with the symptoms of youth violence not just the results of the violence.

I hope in the future we can pass legislation that will address the remaining problems and can come up with even better solutions. We owe that much to our children.

Mr. KOHL. Mr. President, I am voting in favor of the juvenile crime bill, S. 254, because on balance it comes close enough to promoting the kind of approach that we need to reduce juvenile violence—the type of plan that is already working to reduce crime in cities like Milwaukee and Boston, and the type of strategy that will help us prevent future tragedies like the recent school shootings in Jonesboro, AR, Peducah, KY, Springfield, OR, Conyers, GA and Littleton, CO. There are many causes of juvenile crime—poverty, a deterioration of American families and family values, increased youth access to firearms, and the explosion of violent images in our culture, just to name a few—and it would be naive to presume there is a simple solution. Indeed, we need a comprehensive crime-fighting strategy to address all of these root causes and the entire range of juvenile offenders and potential offenders, from violent predators to children at-risk of becoming delinquent. That is the approach this bill takes, more or less.

Let me explain the four keys to this balanced, proven strategy: keeping guns out of the hands of kids and of criminals; punishment; prevention; and reducing kids' exposure to violence in our culture.

First, this bill will help keep firearms out of the hands of young people. It promotes gun safety with the Kohl/Hatch/Chafee amendment to require the sale of child safety locks with every new handgun. Child safety locks can help save many of the 500 children and teenagers killed each year in firearms accidents, and the 1,500 kids each year who use guns to commit suicide. Just as importantly, they can help prevent some of the 7,000 violent juvenile crimes committed every year with guns children took from their own homes. This measure passed with an overwhelming 78 votes, twice the number of votes a virtually identical proposal received last year.

The bill also helps identify who is supplying kids with guns, so we can put them out of business and behind bars. Through the ''Youth Crime Gun Interdiction Initiative,'' the Bureau of Alcohol, Tobacco and Firearms has been working closely with cities like Milwaukee and Boston to trace guns used by young people back to the source. Using ATF's national database, police and prosecutors can target illegal suppliers of firearms and help stop the flow of firearms into our communities. While I served as Ranking Member of the Subcommittee for Treasury Appropriations, we provided funding to expand this initiative to 27 cities. This measure will expand the program to up to 200 other cities and, with the increased penalties outlined above, help stanch illegal gun trafficking.

And not only will this bill prohibit all violent criminals from owning firearms, no matter what their age, through ''Project CUFF'' it also encourages aggressive enforcement of this federal law by dedicating federal prosecutors and investigators to this task. This builds on a successful program, supported by the NRA, that has helped reduce gun violence in Richmond, Va., and Boston through increased federal prosecution, close coordination with state officials, public outreach and fewer plea bargains. Still, to be truly effective, this measure needs to be improved, so that we don't force it on uncooperating cities where it's unlikely to succeed.

Unfortunately, the bill fails in its stated intent to close an inexcusable loophole that allows violent young offenders to buy guns legally when they turn eighteen. Under current law, violent adult offenders can't buy firearms, but violent juveniles can—for example, even the kids convicted of the schoolyard killings in Jonesboro, Arkansas—once they are released at age eighteen. Simply put, this has to stop, and the bill tries to do this—sort of. A provision declares that all violent felons are disqualified from buying firearms, regardless of whether they were 10, 12, or just a day short of their 18th birthday at the time of their offense. However, although the bill technically closes this loophole, because it only applies to violent crimes committed once juvenile records become ''routinely available'' on-line, its indefinite effective date merely opens another loophole in its place. This provision may never take effect. When juvenile records are all ''on-line'' is a long way away, and in the meantime many young criminals will continue to have the ability to get a gun at 18 once they get out of jail.

Each of these provisions was addressed in my juvenile crime bill, the 21st Century Safe and Sound Communities Act. In addition, after much back-and-forth—and forth-and-back—we finally agreed to close the gun show loophole once and for all. I am pleased to see a bipartisan consensus start to emerge over taking these steps to keep guns out of young hands.

Second, we need to lock up the worst offenders, including dangerous violent juveniles. Naturally, we can't even begin to stop violent kids unless we have police officers on the street to catch them, and the state and local prosecutors, defense attorneys and courts we need to try them. To that end, this bill provides $100 million per year for state and local prosecutors, defense attorneys and courts for juveniles. Unfortunately, we missed an opportunity to extend the highly successful COPS program—which is due to expire after next year—in this bill. Extending the COPS program will make it easier to lock up dangerous juveniles, and I look forward to working with my colleagues to make that happen.

Of course, we can't keep criminals off the streets unless we have a place to send them. So this measure dedicates funding for juvenile prisons or alternative placements of delinquent children—a long-needed measure for which I have advocated since before the 1994 Crime Act.

This proposal also helps rural communities keep dangerous kids behind bars. Now, although the closest juvenile facility may be hundreds of miles away, federal law prohibits rural police from locking up violent juveniles in adult jails for more than 24 hours. This means that state law enforcement officials either have to waste the time and resources to criss-cross the state even for initial court appearances, or simply let dangerous teens go free. In my view, that's a no-win situation. This measure gives rural police the flexibility they need by letting them detain juveniles in adult jails for up to 48 hours, or longer with parental consent, provided they are separated from adult criminals. Working with Wisconsin's rural sheriffs, I first proposed a similar extension three years ago.

Moreover, this measure will help lock up gun-toting kids—and the people who illegally supply them with weapons. It builds on my 1994 Youth Handgun Safety Act by turning illegal possession of a handgun by a minor into a felony. And the same goes for anyone who illegally sells handguns to kids. Both of these provisions were in my juvenile crime bill. Kids and handguns don't mix, and our Federal law needs to make clear that this is a serious crime.

In addition, this measure makes it easier to identify the violent juveniles who need to be dealt with more severely—by strongly encouraging states to share the records of juvenile offenders and providing the funding necessary for improved record-keeping. The fact is that law enforcement officials need full disclosure to make informed judgments about who should be incarcerated, but current law allows too many records to be concealed or to vanish without a trace when a teen felon turns eighteen.

Finally, this measure includes my proposal, cosponsored by Senator DEWINE: the Violent Offender DNA Identification Act of 1999, which will promote the use of modern DNA technology to resolve unsolved crimes committed by both juveniles and adults. Our measure will reduce the backlog of hundreds of thousands of unanalyzed DNA samples from convicted offenders by providing the funding necessary to analyze them and put them ''on-line,'' so they can be shared between states and matched with crime scene DNA evidence. And, while all 50 states authorize collection of DNA samples, it closes the loophole that allows DNA samples from Federal and Washington, D.C. offenders to go uncollected. The Department of Justice estimates that upgrading our DNA databases alone could solve a minimum of 600 crimes tomorrow.

Third, a balanced approach also requires a significant investment in crime prevention, so we can stop crime before it's too late. In fact, no one is more adamant in support of this approach than our nation's law enforcement officials. For example, last year more than 400 police chiefs, sheriffs and prosecutors nationwide endorsed a call for after-school programs for all children. And in my home state of Wisconsin, 90 percent of police chiefs and sheriffs I surveyed agreed that we need to increase federal prevention spending.

This proposal promotes prevention by concentrating funding in programs that already have a record of success and those that rely on proven strategies, like the ones that give children a safe place to go in the after-school hours between 3 and 8 p.m., when juvenile crime peaks.

For example, it includes my amendment to expand the Families and Schools Together (FAST) program, a successful program that finds troubled youth and reconnects them with their schools and families. FAST, which was created in my home state of Wisconsin and is already being implemented in 484 schools in 34 States and five countries, helps ensure that youth violence does not proliferate to our schools and communities by empowering parents, helping to improve children's behavior and performance in school, preventing substance abuse, and providing support and networking for families by linking them to community resources and services.

The bill also promotes innovative prevention initiatives by reauthorizing and expanding the Prevention Challenge Grant program (formerly known as Title V), which former Senator Hank Brown and I authored in 1992. This program encourages investment, collaboration, and long-range prevention planning by local communities, who must establish locally tailored prevention programs and contribute at least 50 cents for every federal dollar. And, in response to concerns I raised about the risk of watering down this program with non-prevention uses, 80 percent of its funding is reserved for prevention—that is, programs addressing at-risk kids before they ever enter the juvenile justice system.

It also builds on our support for the valuable work of Boys & Girls Clubs by continuing to dedicate funding to the Clubs and expanding funding to other successful organizations like the YMCA. And it requires that at least 25 percent of $450 million juvenile accountability block grant be dedicated to prevention.

Of course, we shouldn't blindly invest in prevention programs, just because they sound good. Quality matters. And it would foolish to throw good money after bad. That's why this measure requires at least 5 percent of all Prevention Challenge Grant funds—and more than 15 percent of FAST funds—be set aside for rigorous evaluations, so we can keep funding the programs that work, and zero out programs that don't.

Finally, this bill also aims to provide us with a better understanding of how violence in our culture is marketed to children, and it encourages industry to take self-regulatory steps to reduce this violence. For example, the Brownback amendment, which I consponsored, orders a joint FTC/DOJ study of the marketing practices of the video game, motion picture, and television industries to determine whether or not the industries are peddling violence to kids. In particular, it will help us determine whether or not the industries are peddling violence to kids. In particular, it will help us determine whether the video game industry is marketing the same ultraviolent games to children that are rated ''adults only.''

Mr. President, while explaining what causes a tragedy like Littleton remains a mystery, the question about how to reduce juvenile crime no longer is. We have a good idea about what works. And this bill overall is a step in the right direction. Like any piece of legislation, of course, it isn't perfect. For example, we need to really close the loophole that allows violent juvenile offenders to buy guns. We need to extend the COPS program so that we have enough police officers on the streets to catch and lock up dangerous juveniles and criminals. We should restore the so-called ''mandate'' requiring states to make efforts to reduce disproportionate minority confinement. This requirement, which I helped write in 1992, at most simply encourages states to address prevention efforts at minority communities. And it may be most important for its symbolic recognition of continuing racial divisions that dominate our society and our justice system, whether or not the justice system is actually discriminatory. Still, it makes no sense to cast away this provision without any hearings, any organized opposition, or any constitutional challenges to it over its seven-year history. I am hopeful that the House, which has always been supportive of this provision, will insist on restoring it in Conference.

And while the bill is a step forward for prevention, we can still do better. Although some suggest that as much as 55 percent of the $1 billion in spending at the heart of the bill goes toward prevention, in reality less than 30 percent is dedicated to prevention ($160 million through the 80 percent set-aside of the Prevention Challenge Grant, $112.5 million through the 25 percent earmark from the Accountability Block Grant, and $15 million for mentoring). To effectively reduce juvenile crime, the ratio of prevention spending to enforcement spending has to be a lot higher.

Finally, Mr. President, I express my appreciation to Senators HATCH and LEAHY, and their staffs—Beryl Howell, Manus Cooney, Rhett DeHart, Mike Kennedy, Bruce Cohen, Ed Pagano, Craig Wolf, and, of course, Brian Lee, Jessica Catlin, Kahau Morrison and Jon Leibowitz of my staff—for their hard work in putting together this balanced bill, which is significant improvement from where we were headed last Congress. I look forward to continuing to work with them when we move to conference.

Mr. ASHCROFT. Mr. President, I rise to speak in favor of final passage and explain why I plan to vote for final passage of S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999. At the outset, I must make clear that I do not support every provision in this bill. There is much in this bill that is simply extraneous—provisions that do not address the problem of youth violence. Moreover, there are items included in this bill by amendment that I opposed. There are also items that were included through the manager's amendment, such as the creation of new federal judgeships, that I oppose.

However, there are many provisions in this bill that I have long championed and have worked hard to include in the bill. Let me briefly summarize these key provisions of this law:

ASHCROFT PROVISIONS IN S. 254

There are four main Ashcroft initiatives in the core Senate juvenile justice bill, S. 254. Those provisions are: (1) Trying juveniles as adults on the federal level, (2) targeting adults who use juveniles through increased penalties, (3) funding for improving juvenile record system and incentives for

recordsharing, and (4) Charitable choice—preventing discrimination against faith-based organizations that stand ready to provide counseling to troubled youth.

First, the core bill makes it easier for federal prosecutors to try juveniles as adults in federal court. Specifically, the bill provides local United States Attorneys with new authority to try juveniles 14 and older who commit violent federal crimes and federal drug crimes as adults. This provision is an important improvement in the law. Violent federal crimes and major federal drug crimes are not youthful indiscretions or juvenile pranks—these are serious adult crimes. The bill makes important steps to ensure that in the federal system juveniles who commit adult crimes do adult time.

Second, the core bill also targets adults who would exploit children and ensnare them into a life of crime. One sad consequence of a juvenile justice system that treats juvenile crime less seriously than adult crime is that adults try to game the system by using juveniles to perform criminal tasks with the greatest risk of detection. Adults use children as drug runners or couriers precisely because the children are likely to end up back on the street even if they are caught. The core bill addresses this problem by including two provisions from my Protect Children from Violence Act, S. 2023, from the last Congress. Specifically, section 202 increases the mandatory minimums for adults who use juveniles to commit drug crimes from 1 year to 3 years for first-time offenders and from 1 year to 5 years for repeat offenders. Section 203 doubles the penalties on adults who use juveniles to commit crimes of violence and trebles penalties for repeat offenders.

The core bill also includes important provisions to facilitate the sharing of juvenile criminal records. This legislation encourages States to keep records on violent juveniles that are the equivalent of the records kept for adults committing comparable crimes. In addition, the bill conditions the availability of federal funds on States' participation in a nationwide system for collecting and sharing juvenile criminal records. Under the bill, state authorities must make these criminal records available to federal and state law enforcement officials and school officials to assist them in providing for the best interests of all students and preventing more tragedies. Providing judges and school officials with accurate records is a critical step in preventing tragedies. School officials and judges have a right and a need to know when they are dealing with dangerous juveniles. Providing accurate records is not only an important role for the government, it is a role that only the federal government can fulfill. Violent juveniles routinely cross state lines. The federal government has an important role in ensuring that their criminal records cross state lines with them.

Finally, the core bill includes my provision ensuring that faith-based organizations have an equal opportunity to provide services to at-risk youth. The experience of the past decade has made clear that government does not have all the answers for what ails our culture. No organizations should be excluded from the process of trying to heal our violent culture, let alone faith-based organizations. The ''charitable choice'' provisions in the bill do not provide for any special treatment for faith-based organizations, but they do ensure that faith-based groups will not be arbitrarily excluded when the government turns to non-governmental organizations to deal with at-risk juveniles.

The bill in its current form also includes a number of important provisions that were added by amendment. These include:

Semi-automatic assault rifles ban for juveniles. The Senate overwhelmingly adopted this Ashcroft amendment. The amendment had three major provisions:

(1) Ban on juvenile possession of semi-automatic assault rifles. This provision extends the current limitations (subject to the current exceptions) on youth possession of handguns to semi-automatic assault weapons. The provision does not affect a juvenile's right to possess hunting rifles.

(2) Requirement that juveniles be tried as adults for weapons violations in a school zone. Juveniles who commit firearms violations near a school zone must be sent a clear message—such actions will not be tolerated and will be prosecuted to the full extent of the law.

(3) Increased penalties for unlawfully transferring a firearm to a juvenile with knowledge that it will be used in a crime of violence.

ASHCROFT EDUCATION PACKAGE

The Senate overwhelmingly approved this comprehensive amendment which reflects not only specific Ashcroft initiatives but the work product of the Republican Education Task Force, which Senator ASHCROFT chaired. The major Ashcroft initiatives in the package include:

(1) Flexibility for local schools to address school violence. This provision provides schools with the flexibility to use existing education funds, and the new education funds included in the Republican budget, to address security concerns as they see fit. Permissible uses include everything from the installation of metal detectors, to the formulation of inter-agency task forces, to the introduction of school uniform policies.

(2) School uniforms. Another Ashcroft provision makes clear that nothing in federal law prevents local school districts from instituting school uniform policies.

(3) School records. Another provision makes clear that student disciplinary records should follow students to a new school, without regard to whether it is public or private. Teachers and administrators need to know who they are dealing with and whether they have security risks in their midst.

FRIST-ASHCROFT IDEA AMENDMENT

This amendment removes a loophole in federal law that prevents States from disciplining an IDEA student in the same manner as a non-IDEA student, if an IDEA student brings a gun to school. The Senate passed this common sense amendment 74–25. A number of my colleagues also added my initiatives to the bill through their own amendments. These include:

HATCH/CRAIG COMPREHENSIVE CRIME PACKAGE

This amendment included a number of Ashcroft mandatory minimums. Specifically, Ashcroft provisions in the bill raised mandatory minimums:

(1) From 1 to 3 years for distributing drugs near a school zone (from 1 to 5 years for subsequent offenses). This provision was adopted from ASHCROFT's Protect Children from Violence Act, S. 2023.

(2) From 1 to 3 years for distributing drugs to a juvenile (1 to 5 years for subsequent offenses). This provision was adopted from ASHCROFT's Protect Children from Violence Act, S. 2023.

(3) From 7 to 10 years for brandishing a firearm during the commission of a federal crime. This provision was adopted from ASHCROFT's Juvenile Misuse of Firearms Prevention Act, S. 994.

(4) From 10 to 12 years for discharging a firearm during the commission of a federal crime. This provision was adopted from ASHCROFT's Juvenile Misuse of Firearms Prevention Act, S. 994.

The amendment also included two new Ashcroft mandatory minimum sentences also adopted from S. 994:

(1) A 15-year mandatory minimum for maiming or injuring someone with a firearm during the commission of a federal crime

(2) A 5-year mandatory minimum for transferring a firearm with knowledge that it will be used in a crime of violence.

HATCH/FEINSTEIN GANG AMENDMENT

The Senate also overwhelmingly passed the Hatch-Feinstein amendment designed to target and punish gang violence. The amendment included many provisions long-championed by ASHCROFT, including almost the entirety of the gang subtitle of ASHCROFT's ''Protect Children from Violence Act,'' S. 538, introduced on March 4, 1999.

Specifically, the amendment included the following Ashcroft provisions: enhanced sentences for crimes committed as part of gang violence, new crimes for interstate gang activities, the treatment of juvenile crimes as adult crimes for purposes of the federal laws imposing severe penalties on armed career criminals, and increased penalties for witness tampering. All of these provisions were included in the ''Combating Gang Violence'' subtitle of ASHCROFT's Juvenile Crime bill.

In summary, this is not a perfect bill. There is much that is extraneous and some that is misguided. I am hopeful some of these provisions will be removed in conference. On balance, however, this bill will help make our schools places of learning, not places of fear.

Mr. SMITH of New Hampshire. Mr. President, I rise in strong opposition to final passage of S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999. I do so because I believe that the gun control amendments to this bill that have been adopted by the Senate will do lasting damage to the fundamental right to keep and bear arms, which is guaranteed by the Second Amendment to the Constitution of the United States.

I am outraged, Mr. President, that the gun control lobby in this country has taken advantage of the tragedy last month at Littleton, Colorado, as well as the incident today in Georgia, to mount an unprecedented assault on the Second Amendment rights of law-abiding gun owners. They cast blame on law-abiding gun owners, while leaving the movie moguls and video game makers who promote wanton violence to children virtually unscathed.

Frankly, Mr. President, I am also disappointed by some of my colleagues in my own political party here in the Senate. I have spent a great deal of time, over the past two weeks as the Senate has debated this bill, arguing privately with these colleagues and trying to persuade them to hold the line against this onslaught of gun control amendments. Sadly, Mr. President, I have not been successful. Nevertheless, I am proud to have stood up for the Second Amendment, even, in one case, when I was only one of two Senators to vote against a gun control amendment to this bill.

I am particularly angered, Mr. President, by what the Senate has voted to do with respect to gun shows. Sadly, it seems evident to me that the practical effect of the Lautenberg Amendment, adopted earlier today when Vice President GORE cast the tie-breaking vote, will be effectively to ruin gun shows—to put them out of business. This, unfortunately, seems to me to be the aim of the Lautenberg Amendment.

I am also deeply concerned about the effects of the so-called ''trigger lock'' amendment. Even though the amendment appears only to require trigger locks to be sold with guns, the legal effect of the amendment may well be to do great damage to the Second Amendment rights of law-abiding gun owners. This is because courts may construe the amendment as creating a new civil negligence standard under which gun owners will be seen as having a legal obligation to use their trigger locks or face legal liability if their gun is misused by some third party.

If, in fact, the law develops such that gun owners have a legal obligation to use trigger locks, these law-abiding gun owners may be forced to put their safety, and that of their families, at risk. It is certainly not unreasonable to imagine a single mother of small children, depending on her gun for safety, panic-stricken as she struggles unsuccessfully with her trigger lock in the middle of the night after hearing a burglar break into her home.

Mr. President, these are but two examples of the grave harm that the gun control amendments adopted to this bill by the Senate have done to the Second Amendment rights of Americans. When the heat of this moment is gone, and the passions so shamelessly stirred up by the gun control lobby have subsided, I am afraid that many of those who supported these amendments will realize that they have done the Second Amendment serious and lasting harm. Sadly, though, it will be too late.

Mr. President, I yield the floor.

AMENDMENT NO. 322

Mr. DOMENICI. Mr. President, I rise today to address an issue raised by the Hatch amendment number 322, which the Senate agreed to on Tuesday, May 11. While I support both the underlying bill and this amendment, I am concerned about a portion of this amendment which is within the jurisdiction of the Senate Committee on the Budget. The Hatch amendment contained language which amends that portion of the 1994 Crime Bill which created the Violent Crime Reduction Trust Fund.

This portion of the amendment does two things: (1) it extends the fund through fiscal year 2005 and (2) it extends the discretionary spending limits (albeit indirectly) through fiscal year 2005 for the violent crime reduction category. As a result, the amendment was subject to a point of order pursuant to section 306 of the Congressional Budget Act of 1974 because it contained matter within the jurisdiction of the Budget Committee and was offered to a bill that was not reported by the committee. I chose not to challenge this provision because I support the underlying legislation and I have been assured by the Chairman of the Judiciary Committee, Senator HATCH, that my concerns will be addressed when the bill goes to conference.

Let me begin by saying that I support full funding for crime fighting efforts. I am, however, troubled by this amendment because—in its attempt to ensure funds are available for these important programs it has stumbled into a series of, as yet, unresolved issues regarding the budget process: should the discretionary spending limits be extended beyond fiscal year 2002? If yes, should there be limits within the overall cap for items such as defense, highways and mass transit, and crime? Current law (section 251(c) of the Balanced Budget and Emergency Deficit Control Act of 1985) provides limits on discretionary spending (the ''caps'') through the end of fiscal year 2002.

When the issue of the caps was last addressed during deliberations on the Balanced Budget Act of 1997, Congress decided that the overall caps on discretionary spending would end after 2002, that the defense cap would end after 1999, and that the crime cap would end after 2000. This was decided as part of a very carefully crafted compromise between the Congress and the President, involving both mandatory and discretionary spending, that has now led us to a balanced budget. Our ability to live within these discretionary caps has played a significant role in producing not only a balanced budget, but surplus for the foreseeable future. Thus I feel it is not appropriate at this time to extend only the crime cap without addressing the broader issue of the appropriate level of discretionary spending. Moreover, I fear that raising the issue of the caps at this time will unnecessarily complicate the passage of this important juvenile justice legislation.

I know that I do not have to remind my colleagues how difficult it is going to be both this year and next to pass all 13 appropriations bills and stay within the caps which we currently have in place for the next three years. While I am supportive of funding for criminal justice programs, I am concerned that extending the crime cap will only make an already difficult task that much harder. I might also point out to my colleagues that by extending only the crime cap and not the overall cap, this legislation has the effect of limiting crime spending for fiscal years 2003 through 2005 when there will be no such limits upon any other type of discretionary spending.

I thank my colleague from Utah, Senator HATCH, for recognizing my concern with this amendment and I look forward to working with him on this issue when the bill is in conference.

Mrs. FEINSTEIN. Mr. President, I rise to thank the distinguished managers of this bill, Senators LEAHY and HATCH, for including the Feinstein-Chafee amendment regarding separation of juveniles from adults in custody in the managers' ''technical amendment.'' I also wish to thank Senators AKAKA, FEINGOLD, KOHL, and JEFFORDS, who agreed to co-sponsor our amendment, for their support.

This amendment resolves a major concern that many, many people had with this bill, and will help speed the way to its final passage.

Our amendment is designed to strengthen the bill's requirements for separating juveniles in custody from adult criminals. We should not be counter-productive by allowing juvenile detention to be a school for crime, nor should we be cruel in permitting the victimization of youths by hardened adult criminals.

Under current law, juveniles cannot have any contact with adult inmates. None whatsoever. When a juvenile is in an adult facility, that juvenile cannot be within ''sight or sound'' of any adult—ever!

Why is that one of the four so-called ''core'' requirements?

Because I remind my colleagues that we are talking about children.

Children who may or may not have committed a violent offense.

Children who may have been arrested for the first time.

Children who perhaps are on the wrong path but most likely never commit another offense ever: statistically, over two-thirds of juveniles arrested never commit another crime.

In the early 1970s, before there were protections for children who came into contact with our court system, a number of studies found that children in adult jails were subject to rape, assault, sodomy, murder, and other acts which sometimes, frankly too often, led to suicide.

The Judiciary Committee at the time learned of numerous tragedies and outright atrocities, including a report on practices in Philadelphia which estimated that 2,000 sexual assaults occurred inside adult jails or ''sheriff's vans'' used to transport juvenile and adults to court over a 26-month period. One juvenile was raped five times while inside such a van.

The numbers tell the story. Children in adult jails are 8 times more likely to commit suicide; 5 times more likely to be sexually assaulted; twice as likely to be assaulted by staff; and 50 percent more likely to be attacked with a weapon than are children in juvenile facilities, according to studies by the Justice Department and others.

In my state of California, we passed our laws to keep juveniles out of adult jails in the mid-1980s in the wake of tragedies such as the case of Kathy Robbins, a 15-year-old girl who hung herself when she was placed in an adult jail in Glenn County for violating a juvenile curfew.

After those reports were released, Congress enacted the Juvenile Justice Delinquency Prevention Act and subsequent renewals of the law to ensure that children would be treated fairly by the juvenile justice system and be kept safely away from adults in jail.

Kentucky chose to forgo Federal money and continue placing juveniles in adult jails. This chart shows the result: four suicides, one attempted suicide, two physical assaults by other inmates, two sexual assaults by other inmates, and one rape by a deputy county jailer.

Let me give you some of the names behind the numbers:

In Oldham County, 15-year-old Robert Lee Horn, Jr. was put in jail for truancy and beyond parental control. He was paraded through the jail in front of adult inmates who called out to him for sex. He hung himself.

In McCracken County, a 16-year-old Todd Selke was put in adult jail for being a runaway and disorderly conduct. He committed suicide.

In Franklin County, a 16-year-old runaway was raped by a deputy county jailer.

The core protections help to prevent these tragedies elsewhere around the country.

Yet, this bill as introduced would have weakened the core protections for children. I was puzzled by why the authors felt the need to weaken the current standard. According to the latest figures from the Justice Department, 48 of the 50 states are in compliance with the current standard for separating children from adults, including such large, rural states as Alaska and Montana.

And yet this bill would have allowed for juveniles to be in close proximity to adult inmates. While it generally prohibits physical contact between juveniles and adults in custody, there is an exclusion. And the exclusion to the definition of prohibited physical contact said that the term ''does not include supervised proximity between a juvenile and an adult inmate that is brief and incidental or accidental.''

In other words, it permitted regular contact, planned contact, between delinquent juveniles and adult criminals, as long as it is deemed to be ''brief and incidental.''

Senator CHAFEE and I were concerned that this standard would have allowed juveniles to be paraded in front of adult inmates as they are being transported from one area of a facility to another. That means that every day the same youth could be required to walk by the adult cell block.

Adult inmates would have a chance to tease, taunt, harass, use suggestive body language, expose areas of their private parts, spit, and otherwise scare juveniles as they are being transported through the facility.

Now some might think that's OK. That to scare a child by exposing them to adults may reduce the likelihood of the child committing another crime.

But, actually, these young children who might be tough on the outside, but not so tough on the inside, could be scared to death—meaning scared enough to commit suicide—just as Robbie Horn was in Oldham County, Kentucky.

Older gang members, or veteranos, could pass messages on to younger gang members to coordinate criminal activities, or to intimidate them from turning state's evidence.

The amendment which we have agreed upon remedied this. In fact, it is even better than what Senator CHAFEE and I originally proposed. It makes two changes, which bring the bill into line with the current Justice Department regulations:

1. It eliminates any planned or regular contact between juvenile delinquents and adult criminals by changing the exception to ''brief and inadvertent, or accidental,'' contact. The minority report to last Congress' juvenile crime bill, S. 10, erroneously stated that the Justice Department's regulations, like the bill, excepted ''brief and incidental'' contact. However, there is a world of difference between ''incidental'' and ''inadvertent.'' Changing this exception to the Justice Department standard has the same effect as the amendment which Senator CHAFEE and I originally proposed, and will provide much greater protection for juveniles in custody.

2. The amendment passed in the manager's package then goes even further, limiting even this exception to nonresidential areas only. In other words, there is no exception at all in residential areas to the prohibition on physical contact between juveniles and adults. Specifically, the amendment provides that the inadvertent/accidental exception applies only ''in secure areas of a facility that are not dedicated to use by juvenile offenders and that are nonresidential, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.'' This language is taken almost verbatim from the Justice Department regulations.

This amendment ensures that a juvenile cannot be in close proximity such as supervised ''brief and incidental'' parades by adult cells or other planned or spontaneous actions by adults to transport children from one area of a jail to another.

Our amendment was endorsed by: The Department of Justice; the Children's Defense Fund; the National Network for Youth; and the National Collaboration for Youth, an alliance of 28 youth service groups, including Boy Scouts, 4-H, Girl Scouts, American Red Cross, National Urban League, United Way and YMCA.

A coalition of 22 other organizations wrote to the Majority Leader, asking that the standard for separating delinquent juveniles and adult criminals be strengthened, including: Minorities in Law Enforcement, National Association for School Psychologists, National Council of Churches of Christ-Washington Office, the Alliance for Children and Families, Campaign for an Effective Crime Policy, and Covenant House.

With the passage of this amendment, we have provided this protection, and substantially improved this bill. Coupled with the passage of other amendments that I offered, including banning imports of large-capacity ammunition magazines, the Federal Gang Violence Act, the James Guelff Body Armor Act, and anti-bombmaking legislation, this bill now represents a great step forward in the effort to reduce juvenile and violent crime. I ask that I be added as a co-sponsor of the bill, and I urge my colleagues to join me in supporting its passage.

EARLY CHILDHOOD DEVELOPMENT

Mr. KENNEDY. Mr. President, I support Senator KERRY's amendment on early childhood development. The nation's highest priority should be to ensure that all children begin school ready to learn. Our governors realized this a decade ago when they said that the country's number one goal should be to prepare all children to enter

school ''ready to learn.'' We aren't going to meet our school readiness goals by the year 2000, but we must do all we can to reach this objective soon. We cannot afford to let another decade pass without investing more effectively in young children's educational development.

As we debate how to prevent youth violence, it is gratifying that Senators on both sides of the aisle are recognizing the importance of investing in children while they are young. During these early, formative years, constructive interventions have the potential to make the greatest impact. Early learning programs—including pre-kindergarten, Early Head Start, Head Start, and other activities for young children—are building blocks for success. Scientific research confirms that in the first few years of life, children develop essential learning and social skills that they will use throughout their lives.

Quality early education stimulates young minds, enhances their development, and encourages their learning. Children who attend high quality preschool classes have stronger language, math, and social skills than children who attend classes of inferior quality. Low-income children are particularly likely to benefit from quality programs.

These early skills translate into greater school readiness. First graders who begin school with strong language and learning skills are more motivated to learn, and they benefit more from classroom instruction. Quality early education programs also have important long range consequences and are closely associated with increased academic achievement, higher adult earnings, and far less involvement with the criminal justice system.

Investments in these programs make sense, and they are cost effective as well. Economist Steven Barnett found that the High/Scope Foundations' Perry Preschool Project saved $150,000 per participant in crime costs alone. Even after subtracting the interest that could have been earned by investing the program's funding in financial markets, the project produced a net savings of $7.16—including more than $6 in crime savings—for every dollar invested.

At risk 3 and 4 years olds in the High/Scope program were one-fifth as likely, by age 27, to have become chronic lawbreakers, compared to similar children randomly assigned to a control group. In other words, failure to provide these services multiplied by 5 times the risk that these infants and toddlers would grow up to be delinquent teenagers and adults.

Over 23 million children under 6 live in the United States, and all of these children deserve the opportunity to start school ready to learn. To make this goal a reality, we must make significant investments in children, long before they ever walk through the schoolhouse door. Our children cannot wait, nor can we.

In March, Senator STEVENS and I introduced a bill, S. 749, cosponsored by Senators DODD, JEFFORDS, and KERRY, to create an ''Early Learning Trust Fund'' to improve funding for early education programs. This bipartisan bill provides states with $10 billion over 5 years to strengthen and improve early education programs for children under 6. By increasing the number of children who have early learning opportunities, we will ensure that many more children begin school ready to read. The ''Early Learning Trust Fund'' will provide each state with resources to strengthen and improve early education.

Governors will receive the grants, and communities, along with parents, will decide how these funds can best be used. Grants will be distributed based on a formula which takes into account the relative number of young children in each state, and the Department of health and Human Services will allocate the funds to the states. To assist in this process, governors will appoint a sate council of representatives from the office of the governor, other relevant state agencies, Head Start, parental organizations, and resource and referral agencies—all experts in the field of early education. The state councils will be responsible for setting priorities and approving and implementing state plans to improve early education.

One of the great strengths of the ''Early Learning Trust Fund'' is its flexibility. States will have the flexibility to invest in an array of strategies that give young children the building blocks to become good readers and good students. Essentially, our proposal does four things: (1) it enhances educational services provided by current child care programs and improves the quality of these programs; (2) it builds on the momentum of states like Georgia and New York, which are expanding their pre-kindergarten services; (3) it expands Head Start to include full-day, full-year services to help children of working parents begin school ready to learn; and (4) it ensures that children with special needs have access to as wide a range of these services as possible.

This legislation will give communities what they have been asking for—funding for coordinated services to ''fill in the gaps.'' Communities needs this so-called ''glue'' money to strengthen their early education services, and this approach will give them much needed support. As a result, many more children will benefit and begin school ready to learn, ready to reach their full potential.

The nation's future depends on how well today's children are prepared to meet the challenges of tomorrow. If we are serious about improving our children's lives, I urge my colleagues to support the Early Learning Trust Fund that Senator STEVENS and I will bring to the floor soon.

Mr. REED. Mr. President, in the past week the Republican majority in the Senate finally has begun to show signs of understanding that Americans want reasonable gun control policies in this country. We have made some progress by passing a ban on juvenile possession of semiautomatic assault weapons and a ban on the importation of high-capacity ammunition clips. We saw most Republicans join all Democrats in voting to require that child safety devices be sold with all handguns. And finally, this morning, with a tie-breaking vote by the Vice President, we passed the Lautenberg amendment to firmly close the gun show loophole.

These are the kinds of measures that Democrats in Congress have been advocating for years, and it is unfortunate that it took a tragedy like Littleton to bring our colleagues in the majority around to our way of thinking, but we welcome even these small steps in the right direction.

But small steps they are, Mr. President, and we need to do much more. We should reinstate the Brady waiting period, which expired last November, to provide a cooling off period before the purchase of a handgun. We should pass a child access prevention law to hold adults responsible if they allow a child to gain access to a firearm and that child then uses the firearm to harm another person. And we should firmly close the Internet gun sales loophole, something the Senate failed to do last week.

I also believe that we should apply the same consumer product regulations which apply to virtually every other industry and product in this country to guns. If toy guns, teddy bears, lawn mowers and hair dryers are subject to regulation to ensure that they include features to minimize the danger to children, why not firearms? I plan to introduce legislation to allow the Consumer Product Safety Commission to regulate firearms to protect children and adults against unreasonable risk of injury. I know my friend Senator TORRICELLI has introduced a bill to allow the Treasury Department to regulate firearms. Whichever agency ultimately has oversight, the important thing is that guns should no longer be the only consumer product exempt from basic safety regulations.

Mr. President, the NRA's own estimate is that there are over 200 million guns in this country. That's nearly one for every American. But let's remember that most Americans don't own guns. For most Americans, especially in urban areas, a gun in a public place in the possession of anyone other than a law enforcement officer usually brings on a sense of fear, not a sense of protection.

As the President said a few weeks ago, this fundamental difference in perspective is at the heart of this gun debate. If we are to solve the problem of gun violence in this country, we have to come to a meeting of the minds between gun owners and non-gun owners, between rural and urban America.

Americans who live in urban and suburban communities need to understand

the legitimate use of firearms for hunting and sports activities. But at the same time, members of Congress from mostly rural states must recognize the immense pain and suffering that guns cause in our nation's urban areas, and they should work with us to convince their constituents that reasonable, targeted gun restrictions can make a world of difference by saving lives in America's cities and suburbs.

I would also add that this is not simply an eastern vs. western states issue. For example, the Washington Post recently reported that in Florida, six of the state's most urban counties have adopted measures to require a waiting period and background checks on all firearm sales at guns shows, while the rest of the state has not. Every senator, from every region of the country, has some constituents who legally use firearms, and others who want nothing to do with them and see them as a deadly threat. My state is no different, and I recognize that many of my constituents are decent people who hunt or sport-shoot safely.

While much more needs to be done, and while we are still far from passing comprehensive gun safety legislation, we have seen in the past week at least a few limited examples of how, working together, we can bridge the gap and approve reasonable, targeted restrictions on gun access without taking away a law-abiding, adult citizen's ability to own a gun.

I also believe that gun dealers should be held responsible if they violate federal law by selling a firearm to a minor, convicted felon, or others prohibited from buying firearms. Currently, there are over 104,000 federally licensed firearms dealers in the United States. While most of these dealers are responsible small business people, recent tracing of crime-related guns by the Bureau of Alcohol, Tobacco and Firearms (ATF) has found substantial evidence that some dealers are selling guns to juveniles and convicted felons. This direct diversion of weapons from retail to illegal markets is taking place both through off-the-book sales by corrupt dealers and through so-called straw purchases, when an ineligible buyer has a friend or relative buy a firearm for him or her.

To remedy this situation, I have introduced legislation, the Gun Dealer Responsibility Act, that would provide a statutory cause of action for victims of gun violence against dealers whose illegal sale of a gun directly contributes to the victim's injury. I believe this legislation will make unscrupulous gun dealers think twice about who they are selling weapons to, particularly minors, convicted felons, or any other ineligible buyer, either directly or through straw purchases.

Our nation's federal juvenile justice programs establish four core principles that have served as the foundation of federal juvenile justice policy for years. States are required to uphold these principles in order to receive federal grant funds for juvenile justice activities. These four core principles include:

(1) Juveniles may not be within sight or sound of adult inmates in secure facilities. The evidence is overwhelmingly clear that youth held in adult prisons are frequently preyed upon by adult inmates. Compared to juveniles in juvenile facilities, they are 8 times more likely to commit suicide, 5 times more likely to be sexually assaulted, and 50% more likely to be attacked by a weapon.

(2) States should not confine juveniles for so-called ''status'' offenses, such as truancy, that would not be punishable if committed by an adult.

(3) States should remove juveniles from adult jails and lockups: For the same reasons I just mentioned, juveniles should not be held in adult jails and lockups, with very narrow exceptions and even then for very limited periods of time. And,

(4) States should address the problem of disproportionate minority confinement.

This last issue is one I want to talk briefly about today, because it is the area where I believe the bill before us most dramatically changes federal policy and clearly fails to uphold the longstanding principles of our juvenile justice system. Nearly seven out of ten juveniles held in secure facilities in this country are members of minority groups.

African-American juveniles are twice as likely to be arrested as white youth. There is, without question, a continuing need to address minority overrepresentation in the juvenile justice system. We should keep the incentives in current law that encourage states to do so. Unfortunately, the bill before us would replace those incentives with language that encourages states to reduce disproportionate representation of, quote, ''segments of the population,'' an ambiguous and unlimited phrase that could be interpreted to mean men, urban groups, or virtually any ''segment'' of the population. The effective result is that over-representation of minorities would no longer be the focus of our efforts, and one of the pillars of our federal juvenile justice policy would therefore be undermined. I was disappointed that the Senate yesterday failed to pass the Wellstone amendment to ensure that states continue to address disproportionate minority confinement issues. We have been making some progress in this area, and we need to continue that effort.

Another area where I think we can do much more is in the provision of mental health services for young people who come into contact with the juvenile justice system. My friend and fellow member of the Health, Education, Labor and Pensions Committee, Senator WELLSTONE, spoke eloquently on this subject earlier this week. As he and I have discussed many times, you cannot have a meaningful discussion about juvenile justice without talking about mental health. The two are intimately intertwined.

Studies find that the rate of mental disorder is two to three times higher among the juvenile offender population than among youth in the general population. According to a 1994 Department of Justice study, 73% of juveniles in the juvenile justice system reported mental health problems, and 57% reported past treatment for those problems. In addition, over 60% of youth in the juvenile justice system may have substance abuse disorders, compared to 22% in the general population.

I have prepared legislation to authorize the Substance Abuse and Mental Health Services Administration (SAMHSA), in cooperation with the Department of Justice, to award grants to state or local juvenile justice agencies to provide mental health services for youth offenders with serious emotional disturbances who have been discharged from the juvenile justice system. I believe it is critical that we help local organizations to do several things to assist young offenders: (1) develop a plan of services for each youth offender; (2) provide a network of core or aftercare services for each youth offender, including mental health and substance abuse treatment, respite care, and foster care; and (3) provide planning and transition services to youth offenders while these youngsters are still incarcerated or detained. I hope that in the context of this bill or the SAMHSA reauthorization we can find room for this important program.

I believe that a community-based network of mental health services will reduce the likelihood that troubled youth will end up back in the juvenile justice system. By combining this innovative grant program with strong prevention programs to reach out to at-risk youth before they come into contact with the juvenile justice system in the first place, we can attack the problem of juvenile delinquency from both directions.

In closing, let me say that we all recognize that the problem of gun violence among our young people is caused by many factors, some of which we may not fully understand. We need more resources for prevention programs to reach at-risk youth before they come into contact with the juvenile justice system in the first place, and we have seen an increased willingness on the other side of aisle to provide those resources; we need a greater focus on mentoring and counseling for troubled youth, and we've seen some movement on that front as well; and yes, we need better enforcement of firearms laws and more effective prosecution of gun criminals, and there is no question that we will see more resources provided to make that happen.

But anyone who honestly considers the tragic events in Littleton one month ago, and the thirteen children who die every day in this country from gun violence, must concede that one of

the biggest problems of all is that our young people have far too easy and unlimited access to guns. We must do more to keep guns away from kids and criminals by making sure that Brady Law background checks are applied across the board, by reinstating the Brady waiting period, by passing a child access prevention law, by firmly closing the Internet gun sales loophole, by holding dealers responsible for illegal sales, and by applying to firearms the same consumer product safety regulations that apply to virtually every other product in this country.

Let's do the right thing and pass a juvenile justice bill that includes every means possible to protect our children and all of our citizens from youth violence.

Thank you, Mr. President.

Mr. VOINOVICH. Mr. President, prior to being elected to the Senate, I served the people of Ohio for two terms as governor. Before that, I served for 10 years as the mayor of Cleveland. I have also been Lieutenant Governor, a County Commissioner, a County Auditor and a State Legislator.

I have 33 years of experience at every level of government, which I believe gives me wonderful insight into the relationship of the federal government with respect to state and local government.

It is the main reason why, over the length of my service to the people of Ohio, I have developed a passion for the issue of federalism—that is, assigning the appropriate role of the federal government in relation to state and local government.

That passion remains with me to this day, and I vowed when I got to the Senate that I would work to sort out the appropriate roles of the federal, state and local governments.

I have committed myself to find ways in which the federal government can be a better partner with our nation's state and local governments.

One of my concerns has been the overreaching nature of the federal government into areas I have always felt properly belong under the purview of state and local government. Another of my concerns has been the propensity of the federal government to pre-empt our state and local governments. In many cases, the federal government mandated responsibilities to state and local governments and forced them to pay for the mandates themselves.

In regard to unfunded mandates, I, and a number of other state and local elected officials finally got fed up enough to lobby Congress to do something about it, and in 1995, Congress passed the Unfunded Mandates Reform Act. I was pleased to be at the Rose Garden representing our state and local governments at the signing ceremony by the President.

And while we now know the cost of what the federal government is imposing on the state and local governments, Congress has still got to do more to reverse the tide of ''command and control'' policies in areas intrusive which are the proper responsibility of state and local governments.

Indeed, as syndicated columnist David Broder pointed out in a January 11, 1995 article, ''the unfunded mandate bill is a worthy effort. But in the end, the real solution lies in sorting out more clearly what responsibilities should be financed and run by each level of government.''

I wholeheartedly agree.

It is imperative that we delineate the proper role of government at the federal, state and local level.

Our forefathers referred to this differentiation as federalism, and outlined this relationship in the 10th Amendment:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

The importance of the 10th Amendment was inherent to the framers of the Constitution, who sought to preserve for the states their ability to pass and uphold laws that were specific to each individual state. In this way, states would keep their sovereignty over what we consider the ''day to day'' running of society, reserving the more comprehensive functions of the nation to the federal government.

This was envisioned by James Madison, who defined the various roles of government in Federalist Paper #45. He wrote:

> The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce . . . The powers reserved to the several states will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and property of the people and the internal order, improvement and prosperity of the state.

In a speech before the Volunteers of the National Archives in 1986 regarding the relationship of the Constitution with America's cities and the evolution of federalism, I raised a concern about the trend in American government that I had witnessed since the 1960's. I said:

> We have seen the expansion of the federal government into new, non-traditional domestic policy areas. We have experienced a tremendous increase in the proclivity of Washington both to pre-empt state and local authority and to mandate actions on state and local governments. The cumulative effect of a series of actions by the Congress, the Executive Branch and the U.S. Supreme Court have caused some legal scholars to observe that while constitutional federalism is alive in scholarly treatises, it has expired as a practical political reality.

Mr. President, we have made progress since I spoke those words 13 years ago. Not to the level sought by Madison, but progress just the same. As I mentioned earlier, Congress has passed the Unfunded Mandates Reform Act. We've also passed Safe Drinking Water Act reforms in 1996. In addition, states are making the difference in Medicaid reform and because of the efforts of state leaders working with Congress, we now have comprehensive welfare reform.

Also, just this year, we've seen the passage and signing into law of the ''Ed-Flex'' bill, which gives our states and school districts the freedom to use their federal funds for identified education priorities and today we passed legislation preventing the federal government from recouping the tobacco settlement funds back from the states.

But we must still do more.

Today, we are voting on juvenile justice legislation that would impose certain new federal laws on what is now and has traditionally been a jurisdiction of our state and local governments.

I have great respect for the managers of this legislation; they have worked incredibly hard to put together this bill which contains a number of good provisions meant to fight juvenile crime and a smorgasbord of other things that on the surface look very appealing.

Unfortunately most of them deal with things that are the proper responsibility of state and local government and violate in spirit and in substance my interpretation of the 10th Amendment and frankly, the interpretation of Alexander Hamilton.

Hamilton, who was the greatest proponent in his day of a strong national government, saw law enforcement as a state and local concern. If Hamilton were alive today, he would be appalled at the use of the police power by federal agencies.

And to emphasize Hamilton's view, we need only look at Federalist Paper #17:

> There is one transcendent advantage belonging to the province of the state governments, which alone suffices to place the matter in a clear and satisfactory light. I mean the ordinary administration of criminal and civil justice.

Crime control is a primary responsibility of local and state officials. They are on the front lines and they are best suited to tackle the specific problems in their jurisdictions.

Juvenile crime control measures are being enacted and carried out in the various states across the country. And sometimes it does take a tragedy such as the one that occurred in Littleton, Colorado or the shooting this morning in Atlanta to spur states on, but they fully recognize their responsibility to provide for the safety of their citizens.

The states understand their role and the need to prevent any further increase in juvenile crime. They are responding to that need.

Involvement by the federal government in this matter often duplicates the efforts of our state and local governments.

I'll never forget, in 1996, when I was Governor and I went to a crime control conference in Pennsylvania with then-Majority Leader Bob Dole. He was running for President at the time. The

head of the conference suggested 5 things the federal government should do to reduce juvenile crime. It made sense to me, but when I looked at the recommendations, I realized that in Ohio, we were already doing the things that were recommended.

In 1994, we instituted a program called ''RECLAIM Ohio'' which is an innovative approach to juvenile corrections. This program stresses local decision-making and the creation of more effective, less costly community-based correction alternatives to state incarceration.

Under ''RECLAIM Ohio,'' local juvenile court judges are given the flexibility to provide the most appropriate rehabilitation option. Since 1992, the population of juvenile offenders in Ohio's youth correction facilities has dropped 20% as a result of this and other innovative local and state programs.

Mr. President, the success we have had in Ohio might never have come about if we had to divert our resources towards a federally mandated program. We have seen results with ''RECLAIM Ohio;'' it is best suited for us.

In fact, our ''RECLAIM Ohio'' program was selected as one of the top ten innovative programs in government by the JFK School of Government at Harvard University—worthy of replicating elsewhere in the United States.

In 1995, Ohio crafted its own comprehensive juvenile crime bill. This bill imposed mandatory bind-over provisions for the most heinous crimes and longer minimum sentences.

I believe we should heed the words of Senator FRED THOMPSON, who gave an eloquent speech about this bill last Wednesday. He said ''Among other things, [this bill] makes it easier to prosecute juveniles in Federal criminal court. We have about 100 to 200 prosecutions a year of juveniles in Federal court. It is a minuscule part of our criminal justice system.'' To put that in perspective, Senator THOMPSON pointed out that in 1998, there were ''58,000 Federal criminal cases filed involving 79,000 defendants.''

Think about what Senator THOMPSON says—58,000 total federal criminal cases filed; some 200 prosecutions a year of juveniles in Federal court. Do we honestly think that we'll have an extraordinarily dramatic increase in juvenile prosecutions under this bill? I have to ask: why on earth are we doing this?

He further stated, ''[This bill] would allow juveniles as young as 14 years of age to be tried as an adult for violent crimes and drug offenses—drug offenses, again, that are of the street crime category, where we have laws on the books in every State of the Union.''

In a letter to the Chairman and Ranking Member of the Judiciary Committee, the leaders of the National Governors' Association said ''the nation's governors are concerned that attempts to expand federal criminal law. . .into traditional state functions would have little effect in eliminating crime but could undermine state and local anti-crime efforts.''

Mr. President, I ask unanimous consent that a copy of that letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See Exhibit 1.)

Mr. VOINOVICH. Mr. President, the American Bar Association's Task Force on the Federalization of Criminal Law in its report issued at the end of last year stated that ''more than 40% of the federal criminal provisions enacted since the Civil War have been enacted since 1970.'' As a footnote, the report indicates that more than a quarter of the federal criminal provisions were enacted over the sixteen year period of 1980–1996.

Some change in the responsibility is legitimate, based upon the scope of particular offenses. However, many changes have simply evolved from current state and local laws that the federal government has either co-opted or the Congress has directed federal agencies to carry-out.

As we continue to assign a greater involvement for the federal government in law enforcement, the impact on other resources is also strained, primarily the federal court system.

And for those who understand the traditional role of state and local law enforcement, it becomes increasingly frustrating to see the shift in prosecuted crimes.

Earlier this month in testimony before the Governmental Affairs Committee, Federal Appeals Court Judge Gilbert S. Merritt said that his Court's docket and the case load of the U.S. Attorney's office for his jurisdiction consists of ''mainly drug and illegal possession of firearms cases and other cases that duplicate state crimes'' and that ''federal prosecution of drug and firearms crime is having a minimal effect on the distribution of drugs and illegal firearms.''

Most compelling, Judge Merritt said ''our law enforcement efforts would be much more effective if Congress repealed most duplicate federal crimes and tried to help local and state street police, detectives, prosecutors and judges do a more effective job.''

Judge Merritt suggested that before we federalize crime enforcement, we should ''concentrate federal criminal law enforcement in only the following core areas:

(1) Offenses against the United States itself;

(2) Multi-State or international criminal activity that is impossible for a single state or its courts to handle;

(3) Crimes that involve a matter of overriding federal interest, such as violation of civil rights by state actors;

(4) Widespread corruption at the state and local levels; and

(5) Crimes of such magnitude or complexity that federal resources are required.''

Mr. President, based on what I can see, this legislation does not meet these criteria.

So, if we are truly concerned about lowering the incidences of violent crime in America, I believe our focus should be not only on the symptoms of juvenile crime, but on the root causes as well. We have to act first, and not react later, if we wish to benefit our kids.

To be sure, there are just plain, bad juveniles who need to be locked up. And, we need better information about juvenile offenders, profiles that will help our courts deal with rough kids and get them off the streets.

But, I think part of the problem is youngsters aren't getting the moral and family and religious training at home, responsibilities that are falling more and more on our schools.

In Ohio, we established a mediation and dispute resolution program in our kindergartens and first grades to get kids to talk out their problems so they don't resort to violence.

We did this because I am concerned, Mr. President, about how we can reach our kids, to help make them become decent, productive members of society.

What we need to do is draw a line in the sand, and proclaim that we are not going to allow another generation of children to fall by the wayside. We have to say ''This is where it stops.''

We need to become a better partner with state and local government and invest in our children at the most critical juncture of their lives—pre-natal to three—the time when parents and young children are forming life-long attachments and when parents and other care-givers have an opportunity to construct lasting values.

I believe putting our efforts towards creating this powerful, enduring impact on a young child's physical, intellectual, emotional and social development will do more to end the cycle of crime and violence in America than anything else the Senate could do.

Mr. President, once more, I would like to congratulate the managers of this bill for the time and energy that they have put into this bill, but juvenile crime control is not the responsibility of the federal government.

Again, we need only look as far as the Constitution to determine which crimes fall within the purview of the federal government—

1. Article 1, Section 8—To provide for the punishment of counterfeiting the securities and current coin of the United States;

2. Article 1, Section 8—To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations; and

3. Article 3, Section 3—To declare the punishment for treason.

For the remainder of crime that impacts our nation, the 10th Amendment spells out quite clearly how we should deal with it:

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

Mr. President, we should follow the wisdom of our forefathers.

EXHIBIT 1

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, May 14, 1999.

Hon. ORRIN G. HATCH,
Chairman, Committee on the Judiciary, U.S. Senate, Washington, DC.

Hon. PATRICK J. LEAHY,
Ranking Minority Member, Committee on the Judiciary, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN AND SENATOR LEAHY: As the Senate considers juvenile crime legislation, the nation's Governors believe that the federal government should improve its support of states in combating youth violence. This endeavor requires the development and implementation of programs and policies that strive to prevent delinquency, eliminate the presence of violence wherever children congregate, and ensure strong punishment for those responsible for exposing young people to delinquency, drugs, and violence. The first line of defense against youth violence is responsible parenting. Having recognized this fact, the states' priority in this area should be to establish comprehensive services and programs that prevent youth from committing crime. Prevention programs that build self-esteem through achievement of worthwhile goals and offer an alternative to violent and criminal activity are critical to the successful reduction of juvenile crime.

There should be a safe environment for children to grow and develop. This includes schools, parks, playgrounds, and any place youth congregate. The rise in handgun violence especially in and around schools is of concern to Governors. There should be swift and certain punishment for individuals who illegally provide a firearm to a minor, or knowingly provide a firearm to a minor for illegal use. Furthermore, there must be immediate seizure of guns illegally possessed by minors. Also, there should be strict penalties for children below the age of eighteen who illegally possess a firearm.

S. 254, the Violent and Repeat Juvenile Offender Accountability and Rehabilitation Act of 1999 will be among the legislative initiatives considered regarding juvenile crime. We would like to address some of the provisions in this legislation.

Federalization: The nation's Governors are concerned that attempts to expand federal criminal law (Title I of S. 254) into traditional state functions would have little effect in eliminating crime but could undermine state and local anticrime efforts. Further, the Governors are concerned that federal concurrent jurisdiction in criminal justice efforts can be used by the federal government as a means to impose undue mandates on state and local crime control and law enforcement officials.

Another federalism issue is raised by section 1802 the ''Juvenile Criminal History Grants.'' It needs language clarifying what information will be contained in the national data bases, who will have access to the data, how the data will be used, and to affirm states' right to ultimately control access to their own data under our federal system.

Waiver: The formula in the accountability block grant of S. 254 (Part R—Juvenile Accountability Block Grants, Subtitle B) requires states to pass-through money to local units of governments handling juvenile justice functions. In many states, including Utah and Vermont, the juvenile crime function is administered at the state level of government, working with the locals. S. 254 would allow the Attorney General to waive the pass-through requirement for these states. We support this provision.

Flexibility: The current language in S. 254 offers some discretion to Governors over appointments to state advisory boards overseeing implementation of state programs under the Juvenile Justice Act. Governors should have sole discretion over creation, make-up and appointments to state advisory boards. Some states have existing boards that can fulfill this requirement. Furthermore, states should be given maximum flexibility to implement the spirit and purposes of the statute for the goals of delinquency prevention, intervention, and protection of juveniles from harm. Also, S. 254 eases the monitoring requirements for state implementation of the Juvenile Justice program.

Program participation with core requirements: Governors believe that rules, regulations, definitions, responsibilities, and reporting requirements authorized in the legislation should be reasonable and not impede states' ability to effectively administer the programs promoted in the legislation. Further, the statute should be designed to encourage full participation in the program by all the states, but not penalize states that choose not to participate in some or all programs.

The recent tragic events in Colorado, Oregon, Arkansas, Kentucky, and Mississippi and other areas of the country have focused the nation's attention on the need for juvenile justice reform. We appreciate your taking our concerns under consideration as you debate S. 254.

Sincerely,

GOVERNOR THOMAS R. CARPER,
Chairman.
GOVERNOR MICHAEL O. LEAVITT,
Vice Chairman.
GOVERNOR JAMES B. HUNT, JR.,
Chairman, Human Resources Committee.
GOVERNOR MIKE HUCKABEE,
Vice Chairman, Human Resources Committee.

Mr. FEINGOLD. Mr. President, I rise today in opposition to S. 254, the Juvenile Justice Bill. I oppose this bill because it does far more harm than good to the fundamental interests of our nation's children.

The bill fails to do what the Littleton tragedy screams out loudly and clearly we should do: strive to prevent future schoolhouse tragedies and all juvenile violence. The bill is long on prosecution and detention but short on prevention.

During debate on this bill, I was glad to see that some of my concerns were resolved. After a contentious debate, the Senate finally closed the gun show loophole. The Lautenberg-Kerrey amendment is a sensible regulation on the sale of guns at gun shows. It does not prevent law-abiding citizens from selling and buying guns at gun shows.

The Senate's debate on guns in the last week had what I believe to be a sensible outcome. But I do want to point out one thing about the debate we have had on various amendments to this bill dealing with the topic of gun control. Obviously, there are very strong feelings about gun-related amendments on both sides, and the issues are complex. But the vast majority of campaign contributions from groups interested in these amendments to the Senators who are voting on them is coming from one side. According to the Center for Responsive Politics, gun rights groups, including the National Rifle Association, gave over $9 million to candidates, PACs, and parties from 1991 to 1998. The NRA gave $1.6 million in PAC contributions to federal candidates last year. Handgun Control, Inc. gave a total of $146,000.

With respect to Senator LAUTENBERG's amendment to close the gun show loophole last week, the Center found that those who voted against that amendment had received an average of over $10,478 from gun rights groups, while those who voted for it averaged only $297. I say this not to cast aspersions on any Senator's vote, but because I think the public record of our debate on these issues would be incomplete without this information.

There have been other improvements made in the bill as a result of the debate here on the floor and negotiations among Senators and the Managers. The final bill now reasonably protects the privacy of juvenile offender records. The amendment to ensure the separation of children from adult prisoners in mixed prison settings also was adopted.

This good work, however, is not enough to undo the harm that this bill will do to our nation's children.

We have strong evidence that prevention reduces crime. According to the Children's Defense Fund, in the first year after the Baltimore Police Department opened an after-school program in a high-crime area, crime in that neighborhood dropped 42%. Cincinnati's crime rate dropped 24% since it instituted violence prevention, education, social and recreation programs. And in Fort Worth, Texas, gang-related crime dropped by 26% as a result of a gang reduction program.

Now, the Hatch-Biden amendment takes us part of the way there by allowing 25% of funding for juvenile block grants to be allocated to prevention efforts. But frankly, that's not enough. We need to do more. Our children's future demands that we do more.

The Juvenile Justice bill emphasizes detention and intervention after juveniles have already gotten into trouble. The bill, however, does not provide sensible, adequate funding for prevention programs. Programs that will help to ensure that kids will not turn to crime and violence and will never have to experience handcuffs slapped on their wrists or the inside of a detention center.

This bill also deeply troubles me because it will put a halt to efforts to reduce discrimination in our juvenile justice system. The bill ignores reality: we are throwing African-American kids into jails at a higher rate than white kids who commit the exact same offense. This phenomenon is called disproportionate minority confinement.

Our Nation has come a long way toward achieving racial harmony and

equality, but we still have a long way to go. In nearly every state, children of minority racial and ethnic backgrounds are over-represented at every stage of the juvenile justice system and receive harsher treatment by the system. A California study has shown that black youths consistently receive harsher punishment and are more likely to receive jail time than white youths convicted of the same offenses. Current law requires states to identify disproportionate minority confinement in their states, to analyze why it exists and to develop strategies to address the causes of disproportionate minority confinement. The law does not require and has never resulted in the release of juveniles. Nor does the law provide for quotas. And no state's funding under the Juvenile Justice and Delinquency Prevention Act has ever been reduced as a result of non-compliance.

In fact, the current law has been very effective. Forty states are implementing or developing intervention plans to address disproportionate minority confinement. This bill will bring to a halt this good work conducted by the states. These states have just begun to address the disturbing reality of disproportionate minority confinement. But under this Juvenile Justice bill, the law enforcement community will no longer be required to address the problem of discriminatory treatment of minority juvenile offenders. This is outrageous.

I am outraged, and this body should be outraged, that we are punishing black kids more harshly than white kids for the exact same offenses. The debate on this issue illustrated how much more work we still need to do on civil rights. Many of my colleagues would have you believe that there is no longer a race problem in this country. I beg to differ. To those colleagues, I ask you to look around this chamber and identify for me the Senator of African descent. You cannot because there is not one. I am troubled that on this and other important civil rights issues, we do not have a member of the African-American community as one of our colleagues. I cannot help but think that our debate would have been better informed if we had the voice of an African-American Senator speaking at one of our podiums. I cannot help but think that the vote on the Wellstone-Kennedy amendment would have had a different outcome if we had the vote of an African-American Senator cast on this floor.

We have come a long way toward ridding our nation of discrimination against African Americans and other minorities. But we need to keep forging ahead for the good of our children and the future of our country. Let us not turn back the clock.

The bill also does more harm than good by shifting the burden to the child to show why he or she should be tried in a juvenile court, not as an adult. Under current law, federal judges, not prosecutors, decide whether a child will be tried as an adult after a full hearing. If the prosecutor believes that a child should be charged as an adult, the prosecutor goes to court and puts on evidence to establish why the child should be tried as an adult. This is called a ''waiver'' hearing. The prosecutor must show reason for the judge to waive the child into adult court.

Now, under the Juvenile Justice bill, the prosecutor would be able to charge children as young as 14 as adults if they have allegedly committed a felony. The child—not the prosecutor—would request a hearing to prove to the judge that he or should be treated as a child.

There is great wisdom in the current law. The decision to prosecute a child as an adult is a serious one that will profoundly impact that child's life and the sentence that will follow conviction. It is better to leave that decision to an impartial judge, not the prosecutor.

Finally, I must cast my vote against this bill because it creates yet another federal death penalty. The Senate unfortunately passed the Hatch-Feinstein amendment, which will allow imposition of the death penalty against persons who cause the death of another person during an act of animal enterprise terrorism. I have been, and continue to be, a strong, steadfast opponent of the death penalty. In my view, the death penalty is unconstitutional under the Eighth Amendment, which prohibits cruel and unusual punishment. And it is morally wrong for a civilized society to continue to impose this penalty. We should lock up offenders for life, but we should not take their lives.

In sum, Mr. President, I urge my colleagues to heed the advice of skilled professionals who work with our youth every day. Organizations like the Children's Defense Fund, the Youth Law Center, the National Network for Youth have expressed their serious opposition to the bill. These organizations represent the thousands of people who are conducting effective after-school programs, providing counseling to troubled youth and other necessary services to our children at risk. In other words, these organizations are the experts. The experts believe that, although the bill is much improved over last year's juvenile justice bill and corrects some problems in the original bill as it came to the floor last week, the final bill is still a regressive solution to juvenile crime.

Let us put aside our partisanship for the sake of our children's and our Nation's future. I must oppose this juvenile justice bill.

I yield the floor.

Mr. GORTON. Mr. President, Senate bill 254 does not, in my opinion, warrant passage. I will vote against the bill because it is fundamentally fraudulent. First, it wrongly assumes that Washington, DC has the answers to juvenile crime and the right to impose its will over that of state and local communities. Second, it is fraudulent because it promises billions of dollars for new programs that will not be implemented because the money is simply not available.

To hold out the false hope that the federal government can, through the passage of yet another law, offer an easy solution detracts from the important, and admittedly difficult, work that must continue in our homes, schools and communities.

As difficult as it may be for many of my colleagues to accept, the cure for the violence and disrespect for life that is prevalent in our society, particularly in our younger generations, will not be found in this body by passing another federal law. I wish it were that easy. The cure will be found after a great deal of soul-searching by our nation at all levels. Parents must re-engage in their children's lives. Schools must work harder to spot the warning signs displayed by our troubled youth and take action before tragedy occurs. And those who market gratuitous violence—whether it be through television, movies, video games or the Internet—must consider the responsibility they have to society, as well as to their bottom line. Most decisions should be made in our communities, not in the Congress. States should be allowed to experiment with a wide range of programs, not told what to do by Washington D.C.

I recognize some positive elements in this bill. The relaxation, for example, of the strict sight and sound separation requirements between juvenile and adult prisoners is a common sense change consistent with the views expressed by law enforcement officials in my state. Although I support the Ashcroft Amendment that gives local educators the flexibility to treat equally all students who bring guns to schools, the law it amends is fundamentally flawed and requires more thorough debate. I intend to have this debate later this year.

The positive elements in S. 254, however, are outweighed by the negative: the bill usurps state, local, and private sector authority, both in spirit and in practice. For example, although S. 254 makes federal juvenile adjudication and conviction records available to schools in certain circumstances, thus permitting school officials knowledge of the conceivable monstrous acts of a prospective student, it then prohibits all schools, once privy to that information, from using it in admissions decisions.

The bill makes promises we cannot keep and creates expectations we cannot meet.

S. 254 authorizes prodigious amounts of federal funds for numerous programs, and the promise of these monies has led to considerable fighting over their allocation, particularly over earmarking funds for crime prevention programs. While the debate between prevention and punishment is an important one, it is, unfortunately, also

hollow in this case: it is extremely unlikely that many of the programs authorized in S. 254 will be funded at anywhere near the levels authorized, if at all.

Much to my dismay and those of other appropriators, it is unclear whether we will be able this year to meet current commitments to juvenile justice and law enforcement. In the budget he sent to Congress, the President eliminated numerous federal grant programs and gutted others. The Byrne Grants that have been put to such good use in Washington state to, among other things establish multi-jurisdictional drug task forces, were reduced by more than 20% in the President's budget. Local law enforcement block grants, for which $523 million was appropriated in 1999, and which are used for a range of law enforcement needs, from putting more officers on the streets to improving law enforcement communications systems, were eliminated entirely. Grants to states for prison construction, a $720 million program in 1999, was reduced to $75 million in the President's FY2000 budget. Put another way: our first priority ought to be funding our current crime prevention programs, rather than adding a passel of new ones we frankly cannot afford.

Regrettably, many of the philosophical and practical concerns I have with this legislation simply were not addressed during the many long days it has been on the floor because we have spent so much time debating gun amendments. I firmly believe in common sense gun safety procedures as long as they do not infringe on the Second Amendment freedoms of law abiding adults. Several times this week I voted for amendments that would help to promote gun safety or keep guns out of the hands of criminals, and just as often I voted against amendments that infringed on second amendment rights that would not effectively do this. Never, however, did I vote on an amendment that I thought would have prevented the recent tragedies in Georgia and Colorado.

And so, with regret, I cannot join my colleagues in misleading the American people in promising that through this, or any other, bill, we will make their communities and schools safe again.

Mr. ABRAHAM. Mr. President, I am pleased that my amendment to the pending Juvenile Justice bill was included in a package of amendments cleared by the managers. I would like to talk briefly about why this provision is crucial to combatting school violence.

As I am sure many of my colleagues are aware, the Holland Woods Middle School in Port Huron, Michigan, made national news this past week. Four children, the youngest of them 12 years old, were arrested for plotting to do ''something worse'' than the tragedy that occurred in Littleton, Colorado. Police in Port Huron believe that the plot was more than a prank. They believe the students planned to rob a gun store for the weapons needed to carry out their plan.

Here we have yet another sign, Mr. President, of the epidemic in this country of violence and fear in our schools.

All across the country, schools are experiencing bomb threats and students and teachers are beginning to fear entering the classroom. The Detroit News front page headline from yesterday summed it up: ''Fear, threats invade Metro classrooms.'' The News went on to report that one-third of the 560 students at Holland Woods Middle School stayed home Monday, the first day of classes since police discovered the plot to massacre students there.

Mr. President, students should not fear for their lives when they enter the school building. Indeed, they have a right not to be put in this kind of fear, particularly on school grounds.

I believe we must do more to help schools deal with threats of violence. We must give schools more options to prevent the type of tragedy that occurred in Littleton and that also might have occurred in Port Huron.

Following the incident in Holland Woods Middle School, Assistant Superintendent Thomas Miller outlined the school system's response to increasing security at their schools. The school system's plan would include 24-hour security guard surveillance at all schools and a bomb-sniffing dog. Other proposed security measures could include metal detectors, the elimination of coats in classrooms and photo identification badges for pupils and teachers.

Mr. President, my provision would allow schools facing these serious security problems to access Safe and Drug Free School money to address their security needs and to truly keep their schools ''safe.''

In light of the growing number of violence in our schools and an increase in the number of threats, we must provide local school districts with further, effective options in combatting the proliferation of guns, explosives, and other weapons in our schools.

My provision will also help schools deal with the scourge of drugs, a scourge which not only ruins individual lives but also breeds the kinds of isolation, maladjustment and violence we have seen so often in recent years.

Currently, school districts may use funds allocated under the Safe and Drug Free Schools Act for a variety of programs aimed at reducing drug use and school violence. School districts need additional options. My amendment would allow local school districts to access funding under the Safe and Drug Free Schools Act for use in conducting locker searches for guns, explosives, other weapons, or drugs and for the drug testing of students.

Drug use constitutes a full-fledged epidemic in our schools, Mr. President. In a recent Luntz survey, three fourths of high school students said that their schools are not drug free. 41 percent reported seeing drugs sold on school grounds. And now the drug menace is moving into our middle schools. 46 percent, almost half of our middle school kids, go to schools that are not drug free.

With the explosion in drug use we also have seen a massive proliferation of guns in our schools. The Departments of Education and Justice report that 6,093 students were expelled for bringing guns to school during the 1996–97 school year alone.

This is the situation supposedly addressed by the Safe and Drug Free Schools Act. So, what is this act, written into law in 1986 and with current funding levels at $566 million, accomplishing? Tragically little, Mr. President.

Congress passed the Safe and Drug Free School Act allocating funds to fight drug use and the violence it breeds. But that money is not being spent wisely, on programs that actually succeed in reducing drug use and gun violence in our schools.

Instead, Mr. President, a report in the Los Angeles Times has found that grant money is being used to pay for questionable activities like motivational speakers, puppet shows, tickets to Disneyland, dunking booths and magic shows. Surely we can use this law for something more than what President Clinton's own drug Czar, General Barry McCaffrey, calls a program to ''mail out checks.''

Our children and their teachers deserve better. Indeed, Mr. President, they are demanding better. For three years running, teens in the Luntz survey have deemed drugs the most important problem they face. Most teens favor random locker searches and drug testing of all students.

And their teachers agree. Four out of five teachers favor locker searches and a zero tolerance policy on drugs. Two thirds favor at least some form of drug testing.

Mr. President, our teachers and our children have recognized the obvious: we must find those who are bringing guns and explosives into our schools if we are to stop gun and other forms of violence affecting our kids

By the same token, Mr. President, you must find those who are using and dealing drugs before you can effectively deal with the drug problem in our schools.

My amendment accepts the common sense logic expressed by our teachers and students.

My amendment does nothing to alter the availability of funds for other options in the fight against drugs and gun violence in our schools. It merely adds to the list the option of using these funds for locker searches and drug testing. It, rightly in my view, leaves the final decision on these issues to those who know the needs of their schools best—local authorities. But it adds an important option to the list from which they can choose.

I am pleased that this common sense proposal has been cleared by the managers.

I yield the floor.

Mr. LEVIN. Mr. President, with the passage of the Juvenile Justice bill today the Senate took a positive step forward in addressing the youth violence that we have sadly seen far too much of in recent weeks.

One month ago today, we watched in horror as children turned violent against other children, and we asked ourselves why? Today, again, we've seen the horror of a high school student firing a weapon at his schoolmates. There is no one cause of this youth violence, the causes are many but the common denominator in all of these school shootings cannot be ignored or denied: the easy access our young people have to guns.

If there is one silver lining in what happened at Littleton it's that this event has become a catalyst for the Senate to finally begin to overcome the disproportionate influence of the gun lobby and to close a few of the gaping loopholes in our federal gun laws which give our youth such easy access to guns.

Over the last few weeks, with the Juvenile Justice bill on the floor of the Senate, we have taken important steps to strengthen our current laws. We have passed legislation to prohibit juveniles from owning semiautomatic weapons and large capacity ammunition devices. We have banned the importation of big ammunition clips, which have been flooding into the United States by the millions. The Senate passed an amendment requiring that handguns be sold with trigger locking devices to protect children. And just this morning, the Senate, by one vote, the deciding vote cast by Vice President GORE, passed legislation to regulate the sale of firearms at guns shows, ensuring juveniles and others cannot use these shows as a convenient way to circumvent the safeguards applied to normal sales through licensed gun dealers.

Mr. President, I believe it's clear that the American people support the actions we have taken. In fact, I am hopeful that we will build on these first steps, for example, to ban semiautomatic assault weapons and handguns for persons under 21 years of age. This may be one of our most important tasks yet. According the Bureau of Alcohol, Tobacco and Firearms' Youth Crime Gun Interdiction Initiative, the two most frequent ages at which crimes are committed with gun possession are 18 and 19. In 1997, 22% of those arrested for murder were 18, 19 or 20 years old.

This legislation clearly falls short of closing all of the loopholes which allow our youth easy access to deadly weapons. However, in the wake of the tragedy at Littleton, the Senate has taken critical steps forward. This is a victory for the good sense of the American people over the entrenched interests of NRA lobbyists in Washington.

Mr. President, in addition to preventing our youth from having access to deadly weapons, we must also ensure that schools have access to proven violence prevention programs designed to meet the particular needs of the students. The bill provides $250 million in grants for projects that allow schools to partner with the U.S. Department of Justice and police officers in crime prevention; $113 million for creative on-site school violence prevention programs and alcohol nd drug counseling; and amends the Elementary and Secondary Education Act to make funds available for training in school safety and violence prevention, crisis preparedness, mentoring and anti-violence programs.

Mr. KERRY. Mr. President, the passage of this Juvenile Justice Bill represents an important step forward for those of us who have expressed concern for the safety and well-being of America's young people. I am pleased that in spite of the tensions and the controversies that have marked these past weeks in the United States Senate, we are, in the final analysis, able to come together as a Senate in support of certain principles that we know are absolutely essential if we are to reform our nation's juvenile justice policy to reflect modern life and the needs of all our children in this nation.

The aftermath of the tragic school shootings in Littleton and even the violence today in Atlanta underscored for all of us the importance of getting serious about juvenile justice. In this debate here in the Senate about juvenile justice, we heard a great deal about efforts to keep guns out of the hands of violent students, we heard about efforts to try juvenile offenders as adults, about stiffer sentences, about so many answers to the problem of kids who have run out of second and third chances—kids who are violent, kids who are committing crimes, children who are a danger to themselves and a danger to those around him. I was a prosecutor in Massachusetts before I entered elected office. I have seen these violent teenagers and young people come to court, and let me tell you, there is nothing more tragic than seeing these children who—in too many cases —have a jail cell in their future not far down the road, children who have done what is, at times, irreparable harm to their communities.

I am pleased we are passing a bill today which demonstrates we don't only begin to care about these kids at that point —after the violence, after the arrest, after the damage has been done, when it may be too late—when we could have started intervening in our kids' lives early on, before it was too late. We can say that we have had a real debate about juvenile justice because we are passing a bill that makes some critical investments in vital early childhood development efforts, but a great deal of work remains undone.

The truth is that early intervention can have a powerful effect on reducing government welfare, health, criminal justice, and education expenditures in the long run. By taking steps now we can reduce later destructive behavior such as dropping out of school, drug use, and criminal acts like the ones we have seen in Littleton and Jonesboro. We are doing that in this bill—but we should be doing far more.

A study of the High/Scope Foundation's Perry Preschool found that at-risk toddlers who received pre-schooling and a weekly home visit reduced the risk that these children would grow up to become chronic law breakers by a startling 80 percent. The Syracuse University Family Development Study showed that providing quality early-childhood programs to families until children reached age five reduces the children's risk of delinquency 10 years later by 90 percent. It is no wonder that a recent survey of police chiefs found that nine out of ten said that ''America could sharply reduce crime if government invested more'' in these early intervention programs.

I know it can work. I visited an incredible center, the Castle Square Early Childhood Development Center in Boston, and I saw kids getting the attention they need during the day while their parents work, children being held and read to, and cared for, children who aren't raising themselves, parents who come in and volunteer in the evening and take classes there so they can better take care of their kids when they're sick or when they need special attention. But you know what, for the sixty kids in that program, there are six hundred on a waiting list.

There is the Early Childhood Initiative in Allegheny County, PA—one of the first pilot programs in this country which gave life to the kind of legislation we're passing here today—an innovative program which helps low-income children from birth to age five become successful, productive adults by enrolling them in high quality, neighborhood-based early care and education programs ranging from Head Start, center-based child care, home-based child care, and school readiness programs. ECI draws on everything that's right about Allegheny County—the strengths of its communities—neighborhood decision-making, parent involvement, and quality measurement. Parents and community groups decide if they want to participate and they come together and develop a proposal tailored for the community. Regular review programs ensure quality programming and cost-effectiveness. We're talking about local control getting results locally: 19,000 pre-school aged children from low-income families, 10,000 of which were not enrolled in any child care or education program. By the year 2000, through funding supplied by ECI, approximately 75% of these under-served pre-schoolers will be reached. Early evaluations show that enrolled children are achieving at rates equivalent to their middle income peers. And as we know, without this leveling of the playing field, low-

income children are at a greater risk of encountering the juvenile justice system. That's a real difference.

These kinds of programs are successful because children's experiences during their early years of life lay the foundation for their future development. But in too many places in this country our failure to provide young children what they need during these crucial early years has long-term consequences and costs for America.

Recent Scientific evidence conclusively demonstrates that enhancing children's physical, social, emotional, and intellectual development will result in tremendous benefits for children, families, and our nation. The electrical activity of brain cells actually changes the physical structure of the brain itself. Without a stimulating environment, the baby's brain suffers. At birth, a baby's brain contains 100 billion neurons, roughly as many nerve cells as there are stars in the Milky Way. But the wiring pattern between these neurons develops over time. Children who play very little or are rarely touched develop brains 20 to 30 percent smaller than normal for their age.

Reversing these problems later in life is far more difficult and costly. We know that—if it wasn't so much harder, we wouldn't be having this difficult debate in the Senate.

I think it is time we talked about giving our kids the right start in their lives they need to be healthy, to be successful, to mature in a way that doesn't lead to at-risk and disruptive behavior and violence down the road.

We should stop and consider what is really at stake here. Poverty seriously impairs young children's language development, math skills, IQ scores, and their later school completion. Poor young children also are at heightened risk of infant mortality, anemia, and stunted growth. Of the 12 million children under the age of 3 in the United States today, 3 million—25 percent—live in poverty. Three out of five mothers with children under three work, but one study found that 40 percent of the facilities at child care centers serving infants provided care of such poor quality as to actually jeopardize children's health, safety, or development. In more than half of the states, one out of every four children between 19 months and three years of age is not fully immunized against common childhood diseases. Children who are not immunized are more likely to contract preventable diseases, which can cause long-term harm. Children younger than three make up 27 percent of the one million children who are determined to be abused or neglected each year. Of the 1,200 children who died from abuse and neglect in 1995, 85 percent were younger than five and 45 percent were younger than one.

Unfortunately, our Government expenditure patterns have been inverse to the most important early development period for human beings. Although we know that early investment can dramatically reduce later remedial and social costs, our nation has spent no more than $35 billion over five years on federal programs for at-risk or delinquent youth and child welfare programs.

That is a course we are taking some steps to change today. We are starting to talk in a serious and a thoughtful way—through a bipartisan approach—about making a difference in the lives of our children before they're put at risk. We are starting to accept the truth that we can do a lot more to help our kids grow up healthy with promising futures in an early childhood development center, in a classroom, and in a doctor's office than we can in a courtroom or in a jail cell. But we could be doing much more.

These issues are now a part of this juvenile justice debate. But they need to be a bigger part of every debate we have about our kids' future. My colleague KIT BOND and I reintroduced yesterday our Early Childhood Development Act which we had previously introduced in the last Congress, and which had passed as part of the tobacco legislation last summer. That bill moves us forward in a bipartisan way towards a different kind of discussion about juvenile justice—and towards actions we can take to provide meaningful intervention in the lives of all of our children. I am appreciative of the deep support we've found for our approach in this legislation by Senator STEVENS, Senator JEFFORDS, Senator DODD, Senator KENNEDY and all of the cosponsors of the original Kerry Bond bill: Senator HOLLINGS, Senator JOHNSON, Senator LANDRIEU, Senator LEVIN, Senator MOYNIHAN, Senator WELLSTONE, and my colleague from New Jersey, Senator BOB TORRICELLI. I am pleased to join Senators STEVENS and KENNEDY in supporting parenting, but as we expressed in our sense-of-the-Senate amendment there is much more we need to be doing in terms of broader early childhood development efforts—we need a more comprehensive approach.

In this legislation we have taken an important step towards recognizing the importance of early childhood development programs for our children, as well as the responsibility of the Congress to make early childhood investments a priority in our budget process.

The PRESIDING OFFICER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed for a third reading, and was read the third time.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN), is necessarily absent.

Mr. REID. I announce that the Senator from South Carolina (Mr. HOLLINGS), is necessarily absent.

The result was announced—yeas 73, nays 25, as follows:

[Rollcall Vote No. 140 Leg.]

YEAS—73

Abraham	Edwards	Mack
Akaka	Feinstein	McConnell
Allard	Fitzgerald	Mikulski
Ashcroft	Frist	Moynihan
Baucus	Graham	Murkowski
Bayh	Grams	Murray
Bennett	Hagel	Reed
Biden	Harkin	Reid
Bingaman	Hatch	Robb
Bond	Inouye	Rockefeller
Boxer	Jeffords	Roth
Breaux	Johnson	Santorum
Bryan	Kennedy	Sarbanes
Byrd	Kerrey	Schumer
Chafee	Kerry	Sessions
Cleland	Kohl	Smith (OR)
Cochran	Kyl	Snowe
Collins	Landrieu	Specter
Conrad	Lautenberg	Stevens
Daschle	Leahy	Thurmond
DeWine	Levin	Torricelli
Dodd	Lieberman	Warner
Domenici	Lincoln	Wyden
Dorgan	Lott	
Durbin	Lugar	

NAYS—25

Brownback	Gorton	Roberts
Bunning	Gramm	Shelby
Burns	Grassley	Smith (NH)
Campbell	Gregg	Thomas
Coverdell	Helms	Thompson
Craig	Hutchinson	Voinovich
Crapo	Hutchison	Wellstone
Enzi	Inhofe	
Feingold	Nickles	

NOT VOTING—2

Hollings	McCain

The bill (S. 254) was passed.

(The bill will be printed in a future edition of the RECORD.)

Mr. HATCH. I move to reconsider the vote.

Mr. LEAHY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. HATCH. Mr. President, I ask unanimous consent 5 minutes be given to myself and Senator LEAHY, in that order.

The PRESIDING OFFICER (Mr. HAGEL). Without objection, it is so ordered.

Mr. HATCH. Mr. President, in the past, time seemed to roll past school shootings and similar tragedies. The public was quickly distracted. Yet, Littleton was different. The need to do something about the serious problem of youth violence has always been apparent. The tragedy of a month ago gave us the ingenuity and dedication to follow through.

I have said since the outset of this debate that this issue is a complex problem and one which requires dedication and a spirit of cooperation. I felt that we needed to examine this and other acts of school violence and not single-out one politically attractive interest as a cause. In doing what's right for our children and in doing what's right for the public at large, our personal interests had to take a back seat. While I believe the cooperative spirit was lacking on occasion, I believe that the Senate has crafted a consensus product and one which I intend to support.

At the start of this debate, I along with several of my colleagues announced a comprehensive plan to respond to the problem of violent juvenile crime. Our Youth Violence Plan contains four main components:

1. Prevention and Enforcement Assistance to State and Local Government;

2. Parental Empowerment and Stemming the Influence of Cultural Violence;

3. Getting Tough on Violent Juveniles and Those Who Commit Violent Crimes with a Firearm; and

4. Providing for Safe and Secure Schools.

Each element of this plan—all of it—is included in S. 254 as amended.

I. Prevention & Enforcement Assistance to State and Local Government: The first tier of this plan involved passage of the underlying bill—S. 254, the Violent and Repeat Juvenile Offender and Accountability Act. We have provided a targeted infusion of funds to State and local authorities to combat juvenile crime. S. 254 provides over $1 billion a year to the States to fight juvenile crime and prevent juvenile delinquency. We need to reach out to young children early in life, insure that parents are empowered to do what they believe is best for their children, and take meaningful steps to give local education and enforcement officials the tools they need to hold violent juveniles accountable. S. 254 accomplishes this goal.

II. Parental Empowerment and Stemming the Influence of Cultural Violence: The second tier of our plan involved Congress taking steps to empower parents, educators and the entertainment industry to do more to limit the exposure of America's children to violence in our popular culture. We offered several amendments to the underlying bill which furthered this leg of our plan and all of them passed the Senate. For example, this bill gives parents the power to screen undesirable material from entering their homes over the Internet. We have given the entertainment industry the tools it needs to develop and enforce pre-existing ratings systems so that children are not exposed to material that the industry itself has deemed unsuitable for children. And we have established a National Commission on Youth Violence. It is time for us to hold Hollywood—and the rest of the entertainment industry—a bit more accountable.

III. Getting Tough on Violent Juveniles and Enforce Existing Law: A third tier of our plan insured that violent juveniles—teenagers who commit violent crimes—will be held accountable. Part of the solution is to insure that when a teenager brings a gun to school, he or she is held accountable by school authorities and the criminal justice system. We take care of this in the bill. We also extend the Youth Handgun Safety Act to semi-automatic assault rifles. The bill before the Senate contains reforms like the juvenile Brady provision—a measure which will prohibit firearms possession by violent juvenile offenders. We increase penalties for transferring a gun to a minor and other corrupting acts.

Most importantly, we respond to the biggest of gun law loopholes—the Clinton Administration's failure to enforce the gun laws already on the books. We insure that the Department of Justice will fulfill its obligation to enforce the law. Prosecuting violent gun offenders will be made a priority for this Administration whether they like it or not.

IV. Safe and Secure Schools: The fourth element of our plan revolves around the basic right that all students share—the right to receive the quality education they deserve. Our teachers and students need to know that their school is safe and that, should they take action to deal with a violent student, the teacher will be protected. Our bill promotes safe and secure schools, free of undue disruption and violence, so that our teachers can teach and our children can learn. We provide greater flexibility to local communities in how they use federal education funds. We also provide teachers with limited civil liability protection should they take action to remove a problem child from school.

These are just some of the many, many reforms contained in this bill. There has been a sense among many Americans that we are powerless to reverse the trend of violence. People believe we are powerless to deal with violent juvenile crime and that we are powerless to change our culture. It is this feeling of powerlessness which threatened our collective ambition for meaningful, penetrating solutions in the wake of the Littleton tragedy. I believe the Senate has taken a meaningful step towards shedding this defeatism.

Do I agree with everything in this bill? No. For example, I oppose to the gun show regulatory and taxing amendment. But addressing this gun show issue has been evolutionary. Both sides have moved on this and—perhaps—we can find common ground as the bill moves through the House and conference.

Given the seriousness of our youth violence problem—and the number of warning signs that tragedies will continue unless all of us come together—we must move forward. We should join together and pass this bill.

Finally, in closing I want to end this debate with a reminder. We have been on this bill for two weeks talking about violent juvenile crime, about the events in Littleton, about kids who use guns, and about kids influenced by violence in the media. Unfortunately, all of that is very true.

But let us not lose sight of the fact that there are millions of kids in this country, hundreds of thousands in Utah, who are really good young people. We give a lot of attention and this bill focuses even more of it on young people who get into trouble with the law. Let's not forget that about the kids who fly straight. As we wrap up consideration of this bill, let's thank the millions of young people across this land that work hard, study long hours, respect and love their parents and friends, and care for others around them.

Mr. President, I would like added as cosponsors of this bill and have their names appear as cosponsors immediately following my name: Senator LEAHY, Senator SESSIONS, Senator BIDEN and Senator FEINSTEIN. I am very proud to be able to be the prime sponsor with these wonderful cosponsors.

Senator BIDEN was one of the first cosponsors on this bill. I am more than pleased that my ranking member, Senator LEAHY is a cosponsor and a prime cosponsor.

S. 254 is a testament to those who worked on it and a product which, on the whole, will help our young people and do something significant about the problems of juvenile crime.

I want to thank a few of the people who have worked on this bill. Let me first acknowledge the Majority Leader who worked with me to keep this bill alive. Given the demanding Senate schedule, it would have been easier for him to have refused to take up the bill or pull it down. We have a bill passing the Senate because he wanted to do what's right.

Let me also acknowledge Ranking Member, Senator LEAHY. He and I reached agreement on this important bill after much discussion and he ably managed the bill for his side of the aisle.

I also want to commend Senator SESSIONS—the Chairman of the Youth Violence Subcommittee. S. 254 became the vehicle for quite of bit of politically charged legislation but it was Senator SESSIONS who stayed on me for more than two years and who never lost sight of the need to make the juvenile justice reforms we make in the underlying bill.

Also, let me commend Senator BIDEN who came on this bill as a cosponsor when others were unwilling. A leader on crime control issues, he was instrumental in setting a cooperative tone which helped get this bill moving.

Senator ALLARD, Senator CRAIG, Senator BROWNBACK, and Senator ASHCROFT are to be commended for their leadership and counsel. Senator FEINSTEIN should be applauded for her cooperation. There are many others but I will end it there.

At the staff level, I want to commend several people.

First, on the Judiciary Committee staff, let me acknowledge a few people who have worked very hard on this bill. Committee Counsels Rhett Dehart and Mike Kennedy are to be commended for their lead work on this important bill. When others were skeptical about its prospects they were there to make the substantive case for moving this bill.

They worked very hard, for several years, to get this bill introduced, reported, and passed. This bill's passage is a testament to their tireless efforts.

In addition, I want to acknowledge and thank Kristi Lee, the Chief Counsel of the Youth Violence subcommittee for her work.

I also want to commend a few others on the Committee Staff: Sharon Prost, Anna Cabral, Ed Haden, Craig Wolf, Catherine Campbell, David Muhlhausen, Leah Belaire, Makan Delrahim, Jeanne Lopatto, Alison Vinson, Joelle Scott, Elle Parker, Krista Redd, and Luke Austin. They all worked around the clock on this bill. The amount of preparation that goes into these bills is significant and they were given little time to prepare for the floor. They are a great staff and I thank them for their efforts. Thanks as well should be given to the Committee's Chief Counsel and Staff Director, Manus Cooney. He is one of the first staff directors in the committee's history.

On Senator LEAHY's committee staff I want to acknowledge the Minority Chief Counsel—Bruce Cohen for his cooperative efforts and leadership. Beryl Howell, Senator LEAHY's General Counsel should also be commended for her substantive work on the underlying Hatch-Leahy substitute and managers' package. Ed Barron is a true gentleman and an able lawyer.

Let me also acknowledge the Youth Violence Subcommittee's Minority Chief Counsel, Sheryl Walter and Glen Shor with the Criminal Justice Overight Subcommittee.

Others I would be remiss in not mentioning include:

Dave Hoppie, Robert Wilkie, and Jim Hecht of the Majority Leader's staff;

Stewart Verdery and Eric Euland of the Whip's office;

Ken Foss, Candi Wolff, and Jade West of the Policy Committee;

Mike Bennett, Karen Knutson, Kris Ardizzone, David Crane, and Paul Clement.

Let me acknowledge the hard work of Mary Kay MacMillan, Tony Coe, Bill Jensen, and Tim Trushel of the Senate Legislative Counsel's office, who all put in extraordinary effort in preparing this bill and many amendments.

And finally, I would be remiss if I did not express thanks to our wonderful floor and cloakroom staff: Elizabeth Letchworth, Dave Schiappa, Tripp Baird, Malloy McDaniel, Marshall Hiton, Dan Dukes, Laura Martin, and Myra Baron. These folks keep things running during our hectic debates, and we appreciate them.

I am very grateful to finally have this ordeal over. It has been a very, very difficult bill, as all of these crime bills usually are. I think if anybody tries to make this just a gun bill, they have missed the point of what we have accomplished here.

Sure, there have been some amendments on guns that are very crucial and very important in the eyes of many people on the floor, but this bill is so much more—ranging from accountability, calling on youth to be responsible for their actions, to prevention moneys. For the first time in years, we have balanced prevention and accountability and law enforcement. The law enforcement aspect will help bring the law down on violent juveniles and others who aid them in committing these crimes. We have made real inroads and we have taken a number of very important steps with regard to changing the culture of violence in our society. That is important. Yes, we faced some tough amendments on guns. I don't like all of the results on this bill. But the fact of the matter is, they were votes, they were voted up and down, the Senate has spoken, and we need to recognize that for what it is.

At this point I again express my appreciation to my friend, Senator LEAHY, for the patience he has had with me, the patience he has had on the floor, the assistance he has been. It has been a real privilege to work for him. I respect and admire him and hope to do a lot of constructive things with him in the future.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, I thank the distinguished senior Senator from Utah for his kind remarks. We have worked very closely together on this. We have seen a bill go through a major evolution on the floor. Frankly, that is what the Senate should do in working its will through a bill. But I must say to my friend from Utah, I do not think that would have been possible if he and I had not been able to work together, if we had not been in constant contact, day by day, hour by hour and, perhaps to his regret at times, minute by minute.

I once said Senators are merely constitutional impediments to their staff—maybe I said it more than once. If we had not had superb staffs working on this, I do not know what we could have done.

We had Senators who came together, even though they normally seem politically far apart. The distinguished Senator from Alabama, Senator SESSIONS, an original cosponsor of this bill; the distinguished Senator from Delaware, Senator BIDEN; myself and Senator HATCH—coming together, bringing so many other Senators together.

One need only look at the major managers' package we passed. I say to my friend from Utah, I think when we introduced our managers' amendment that, as much as anything, broke the logjam and made passage of this bill possible. We tried to accommodate many Senators on both sides of the aisle who had legitimate matter of concern. In that process we came together to shape a bill. The managers' amendment agreement was more than just saying what is good for one Senator or another Senator. This is a juvenile justice bill and the managers' amendment helped shape the contours of that collective product.

As a parent, I think back to the time when my children were going to school. I thought what a happy and wonderful time in their life it was. I knew it was one place where they were safe. We did not have to worry about anything more than, did they study enough for their geometry test or history test or did they get their English assignment in on time? The worst injury you might worry about was if somebody in the playground was to slip and fall and bruise an arm or a leg.

Parents should not have to worry about their children going to school. But even today as we debated this—as we talked about Columbine, where the President and the First Lady were traveling today—we saw, again, on the TV, pictures of another school shooting by another juvenile in Georgia, leaving children injured and being flown to a hospital. Every parent in this country is reminded, again, that often today our children are not safe, even when we send them off to a place where they should be. That is not the way it should be.

We have worked tirelessly on this bill. I think it is a better bill than when it began. The intentions were always the same: To make sure our juveniles are safe, our people are safe, that we choose the right course for juveniles when they do commit crimes.

The Senate has improved this bill. It is more comprehensive and more respectful of the core protections in the Federal juvenile legislation that served us well in past decades. It is more respectful of the primary role of the States in prosecuting these matters. We do recognize that no legislation is perfect, legislation alone is not enough to stop youth violence.

I hope parents, teachers, and juveniles themselves will stop and say: Can we not do better? Can we not have time together? Can we not love our children as we should? Can we not love each other as we should? Can we not look at some of the principles I knew so well when I was growing up, given to me by my parents, principles I hope my wife and I passed on to our children?

Can we not go to those basic principles and understand, even in a country of a quarter of a billion people, that we do not need the violence we see in this country?

It is not just a question of gun control. It is not just a question of more courts or more police. It is not just a question of more laws. But it is a question of, what do we want to be as a nation? We are blessed in this nation. We are the most powerful, wealthiest nation history has ever known. We live better than anybody ever could have imagined. We have so much going for us. Should not we stop and say, when it comes to our children, the most precious resource we have, that we must do all that we can to protect them and nurture them and teach them to be responsible?

Since we began consideration of this important legislation last week, we

have gotten both good news and bad news on the crime front. We got the good news at the beginning of this week when the FBI released the latest crime rate statistics showing a decline in serious crime for the seventh consecutive year. Preliminary reports indicate that the rate of serious violent and property crime in this country went down another 7 percent in 1998, with robbery down 11 percent, murders down 8 percent, car thefts down 10 percent, and declines in other crime categories as well.

But we are all acutely aware that we also got bad news today. Yet another school shooting by a juvenile—this time in Georgia—with children injured and being flown to hospitals. Every parent in this country is reminded again that our children are not safe, even when we send them off to a place where they should be. The only thing parents should have to worry about when they wave good-bye to their children in the morning is whether their child remembered his or her homework and lunch money. They should not have to worry about whether they will get shot.

The growing list of schoolyard shootings by children in Arkansas, Washington, Oregon, Tennessee, California, Pennsylvania, Kentucky, Mississippi, last month in Littleton, Colorado, and today in Georgia, is simply unacceptable and intolerable.

Each one of us wants to do something to stop this violence. We have before us a bill that reflects hard work and committed effort on both sides of the aisle to address the juvenile crime problem. Senator HATCH and Senator SESSIONS have worked tirelessly for several years now to make a difference. While we have strongly disagreed in the past on the right approach to juvenile crime, I have always respected their good intentions. I am glad that this year we have continued the progress we made in the last Congress to find common ground on this important legislation.

In light of the significant improvements we have been able to make to the bill here on the Senate floor over the last eight days, the bill is a better, stronger and better balanced bill. It is more comprehensive and more respectful of the core protections in federal juvenile justice legislation that have served us so well over the last three decades. At the same time it is more respectful of the primary role of the states in prosecuting these matters. I greatly appreciate the Chairman of the Judiciary Committee adding me as a principal cosponsor of our bill.

I recognize, as we all do, that no legislation is perfect and that legislation alone is not enough to stop youth violence. We can pass an assortment of new laws and still turn on the news to find out that some child somewhere in the country has turned violent and turned on other children and teachers, with a gun or other weapon, with terrible results.

All of us—whether we are parents, grandparents, teachers, psychologists, or policy-makers—are puzzling over the causes of kids turning violent in our country. The root causes are likely multi-faceted. We can all point to inadequate parental involvement or supervision, over-crowded classrooms and over-sized schools that add to students' alienation, the easy accessibility of guns, the violence depicted on television, in movies and video games, or inappropriate content available on the Internet. There is no single cause and no single legislative solution that will cure the ill of youth violence in our schools or in our streets. Nevertheless, this legislation is a firm and significant step in the right direction.

I have said before that a good proposal that works should get the support of all of us. Our first question should be whether a program or proposal will help our children effectively, not whether it is a Democratic or Republican proposal. The Managers' amendment and package of amendments that the Chairman and I were able to put together for adoption yesterday reflects that philosophy. It shows that when this body rolls up its sleeves and gets to work, we can make significant progress. I commend the Chairman for his leadership in this effort and I am glad we were able to work together constructively to improve this bill.

This bill, S. 254, started out as a much-improved bill from the one reported by the Judiciary Committee in the last Congress. In fact, as I looked through this bill I was pleasantly surprised to see that proposals that the Republicans on the Judiciary Committee specifically voted down in 1997 were incorporated at the outset into this bill. These are changes that I and other Democrats have been urging on our Republican colleagues for the past few years, and that they have resisted until they quietly incorporated them into this bill.

Federalism. For example, I tried in July 1997 to amend S. 10 to protect the State's traditional prerogative in handling juvenile offenders and avoid the unnecessary federalization of juvenile crime that so concerns the Chief Justice and the Federal judiciary. Specifically, my 1997 amendment would have limited the federal trial as an adult of juveniles charged with nonviolent felonies to circumstances when the State is unwilling or unable to exercise jurisdiction. This amendment was defeated, with all the Republicans voting against it.

This bill, S. 254, contained a new provision designed to address these federalism concerns that would direct federal prosecutors to ''exercise a presumption in favor of referral'' of juvenile cases to the appropriate State or tribal authorities, where there is ''concurrent jurisdiction,'' unless the State declines jurisdiction and there is a substantial federal interest in the case. Yet, concerns remained that this bill would undermine a State's traditionally prerogative to handle juvenile offenders.

The changes we make to the underlying bill in the Hatch-Leahy Managers' amendment satisfy my concerns. For example, S. 254 as introduced would repeal the very first section of the Federal Criminal Code dealing with ''Correction of Youthful Offenders.'' This is the section that establishes a clear presumption that the States—not the federal government—should handle most juvenile offenders [18 U.S.C. section 5001]. While the original S. 254 would repeal that provision, the Managers' amendment retains it in slightly modified form.

In addition, the original S. 254 would require Federal prosecutors to refer most juvenile cases to the State in cases of ''concurrent jurisdiction . . . over both the offense and the juvenile.'' This language created a recipe for sharp lawyering. Federal prosecutors could avoid referral by simply claiming there was no ''concurrent'' jurisdiction over the ''offense'' due to linguistic or other differences between the federal and state crimes. Even if the juvenile's conduct violated both Federal and State law, any difference in how those criminal laws were written could be used to argue they were different offenses altogether. This was a huge loophole that could have allowed federal prosecutors to end-run the presumption of referral to the State.

We fix this in the Managers' Amendment, and clarify that whenever the federal government or the State have criminal laws that punish the same conduct and both have jurisdiction over the juvenile, federal prosecutors should refer the juvenile to the State in most instances.

Finally, I was concerned that, contrary to current law, a federal prosecutor's decision to proceed against a juvenile in federal court would not be subject to any judicial review. The Managers' Amendment would permit such judicial review, except in cases involving serious violent or serious drug offenses.

Federal Trial of Juveniles as Adults. Another area of concern has been the ease with which S. 254 would allow federal prosecutors to prosecute juveniles 14 years and older as adults for any felony. While I have long favored simplifying and streamlining current federal procedures for trying juveniles, I believe that judicial review is an important check in the system, particularly when you are dealing with children.

This bill, S. 254, included a ''reverse waiver'' proposal allowing for judicial review of most cases in which a juvenile is charged as an adult in federal court. I had suggested a similar proposal in July 1997, when I tried to amend S. 10 before the Judiciary Committee to permit limited judicial review of a federal prosecutor's decision to try certain juveniles as adults. S. 10 granted sole, non-reviewable authority to federal prosecutors to try juveniles

as adults for any federal felony, removing federal judges from that decision altogether. My 1997 amendment would have granted federal judges authority in appropriate cases to review a prosecutor's decision and to handle the juvenile case in a delinquency proceeding rather than try the juvenile as an adult.

Only three States in the country granted prosecutors the extraordinary authority over juvenile cases that S. 10 proposed, including Florida. Earlier this year, we saw the consequences of that kind of authority, when a local prosecutor in that State charged as an adult a 15-year-old mildly retarded boy with no prior record who stole $2 from a school classmate to buy lunch. The local prosecutor charged him as an adult and locked him up in an adult jail for weeks before national press coverage forced a review of the charging decision in the case.

This was not the kind of incident I wanted happening on the federal level. Unfortunately, my proposal for a ''reverse waiver'' procedure providing judicial review of a prosecutor's decision was voted down in Committee, with no Republican on the Committee voting for it.

I was pleased that S. 254 contained a ''reverse waiver'' provision, despite the Committee's rejection of this proposal two years ago. Though made belated, this was a welcome change in the bill. The Managers' amendment makes important improvements to that provision.

First, S. 254 gives a juvenile defendant only 20 days to file a reverse waiver motion after the date of the juvenile's first appearance. This time is too short, and could lapse before the juvenile is indicted and is aware of the actual charges. The Managers' amendment extends the time to make a reverse waiver motion to 30 days, which begins at the time the juvenile defendant appears to answer an indictment.

Second, S. 254 requires the juvenile defendant to show by ''clear and convincing'' evidence that he or she should be tried as a juvenile rather than an adult. This is a very difficult standard to meet, particularly under strict time limits. Thus, the Managers' amendment changes this standard to a ''preponderance'' of the evidence.

Juvenile Records. As initially introduced, S. 254 would require juvenile criminal records for any federal offense, no matter how petty, to be sent to the FBI. This criminal record would haunt the juvenile as he grew into an adult, with no possibility of expungement from the FBI's database.

The Managers' amendment makes important changes to this record requirement. The juvenile records sent to the FBI will be limited to acts that would be felonies if committed by an adult. In addition, under the Managers' amendment, a juvenile would be able after 5 years to petition the court to have the criminal record removed from the FBI database, if the juvenile can show by clear and convincing evidence that he or she is no longer a danger to the community. Expungement of records from the FBI's database does not apply to juveniles convicted of rape, murder or certain other serious felonies.

Increasing Witness Tampering Penalties. This bill, S. 254, also contains a provision to increase penalties for witness tampering that I first suggested and included in the ''Youth Violence, Crime and Drug Abuse Control Act of 1997,'' S. 15, which was introduced in the first weeks of the 105th Congress, at the end of the last Congress in the ''Safe Schools, Safe Streets and Secure Borders Act of 1998,'' S. 2484, and again in S. 9, the comprehensive package of crime proposals introduced with Senator DASCHLE at the beginning of this Congress. This provision would increase the penalty for using or threatening physical force against any person with intent to tamper with a witness, victim or informant from a maximum of ten to twenty years' imprisonment. In addition, the provision adds a conspiracy penalty for obstruction of justice offenses involving witnesses, victims and informants.

I have long been concerned about the undermining of our criminal justice system by criminal efforts to threaten or harm witnesses, victims and informants, to stop them from cooperating with and providing assistance to law enforcement. I tried to include this provision, along with several other law enforcement initiatives, by amendment to S. 10 during Committee mark-up on July 11, 1997, but this amendment was voted down by all the Republicans on the Committee. At the end of the mark-up, however, this witness tampering provision was quietly accepted to S. 10 and I am pleased that it is also included in S. 254.

Eligibility Requirements for Accountability Block Grant. This bill, S. 254, substantially relaxes the eligibility requirements for the new juvenile accountability block grant. By contrast, S. 10 in the last Congress would have required States to comply with a host of new federal mandates to qualify for the first cent of grant money, such as permitting juveniles 14 years and older to be prosecuted as adults for violent felonies, establishing graduated sanctions for juvenile offenders, implementing drug testing programs for juveniles upon arrest, and nine new juvenile record-keeping requirements. These record-keeping mandates would have required, for example, that States fingerprint and photograph juveniles arrested for any felony act and send those records to the FBI, plus make all juvenile delinquency records available to law enforcement agencies and to schools, including colleges and universities. We could find no State that would have qualified for this grant money without agreeing to change their laws in some fashion to satisfy the twelve new mandates.

In 1997, I tried to get the Judiciary Committee to relax the new juvenile record-keeping mandates under the accountability grant program during the mark-up of S. 10. My 1997 amendment would have limited the record-keeping requirements to crimes of violence or felony acts committed by juveniles, rather than to all juvenile offenses no matter how petty. But my amendment was voted down on July 23, 1997, by the Republicans on the Committee. Finally, two years later, S. 254 reflects the criticism I and others Democrats on the Judiciary Committee leveled at the strict eligibility and record-keeping requirements in S. 10.

Indeed, the Senate decisively rejected this approach when it defeated an amendment by a Republican Senator that would have revived those straight-jacket eligibility requirements. Specifically, his amendment would have required States to try as adults juveniles 14 years or older who committed certain crimes. As I pointed out during floor debate on this amendment, only two States would have qualified for grant funds unless they agreed to change their laws.

Moreover, the current bill removes the record-keeping requirements altogether from the Juvenile Accountability Block Grant. Instead, S. 254 sets up an entirely new Juvenile Criminal History Block Grant, funded at $75 million per year. To qualify for a criminal history grant, States would have to promise within three years to keep fingerprint supported records of delinquency adjudications of juveniles who committed a felony act. No more photographs required. No more records of mere arrests required. No more dissemination of petty juvenile offense records to schools required. Instead, only juvenile delinquency adjudications for murder, armed robbery, rape or sexual molestation must be disseminated in the same manner as adult records; other juvenile delinquency adjudications records may only be used for criminal justice purposes. These limitations are welcome changes to the burdensome, over-broad record-keeping requirements in the prior version of the Republican juvenile crime bill.

The eligibility requirements for the Juvenile Accountability Block Grant now number only three, including that the State have in place a policy of drug testing for appropriate categories of juveniles upon arrest.

Core Protections for Children. Much of the debate over reforming our juvenile justice system has focused on how we treat juvenile offenders who are held in State custody. Republican efforts to roll back protections for children in custody failed in the last Congress. These protections were originally put in place when Congress enacted the Juvenile Justice and Delinquency Prevention Act of 1974 to create a formula grant program for States to improve their juvenile justice systems. This Act addressed the horrific conditions in which children were being detained by State authorities in close proximity to adult inmates—conditions

that too often resulted in tragic assaults, rapes and suicides of children.

As the JJDPA has evolved, four core protections have been adopted—and are working—to protect children from adult inmates and to ensure development of alternative placements to adult jails. These four core protections for juvenile delinquents are:

Separation of juvenile offenders from adult inmates in custody (known as sight and sound separation);

Removal of juveniles from adult jails or lockups, with a 24-hour exception in rural areas and other exceptions for travel and weather related conditions;

Deinstitutionalizaton of status offenders; and to study and direct prevention efforts toward reducing the disproportionate confinement of minority youth in the juvenile justice system.

Over strong objection by most of the Democrats on the Judiciary Committee in the last Congress, S. 10 eliminated three of the four core protections and substantially weakened the ''sight and sound'' separation standard for juveniles in State custody. At the same time the Committee appeared to acknowledge the wisdom and necessity of such requirements when it adopted an amendment requiring separation of juveniles and adult inmates in Federal custody.

This bill, S. 254, as introduced was an improvement over S. 10 in its retention of modified versions of three out of the four core protections. Specifically, S. 254 included the sight and sound standard for juveniles in Federal custody reflected in a 1997 amendment to S. 10. The same standard is used to apply to juveniles delinquents in State custody.

Legitimate concerns were raised that the prohibition on physical contact in S. 254 would still allow supervised proximity between juveniles and adult inmates that is ''brief and incidental or accidental,'' since this could be interpreted to allow routine and regular—though brief—exposure of children to adult inmates. For example, guards could routinely escort children past open adult cells multiple times a day on their way to a dining area.

The Hatch-Leahy managers' Amendment makes significant progress on the ''sight and sound separation'' protection and the ''jail removal'' protection. Specifically, our Managers' amendment makes clear that when parents in rural areas give their consent to have their children detained in adult jails after an arrest, the parents may revoke their consent at any time. In addition, the judge who approves the juvenile's detention must determine it is in the best interests of the juvenile, and may review that detention—as the judge must periodically—in the presence of the juvenile.

The managers' amendment also clarifies that juvenile offenders in rural areas may be detained in an adult jail for up to 48 hours while awaiting a court appearance, but only when no alternative facilities are available and appropriate juvenile facilities are too far away to make the court appearance or travel is unsafe to undertake.

The Hatch-Leahy managers' amendment also significantly improves the sight and sound separation requirement for juvenile offenders in both Federal and State custody. The amendment incorporates the guidance in current regulations for keeping juveniles separated from adult prisoners. Specifically, the Managers' amendment would require separation of juveniles and adult inmates and excuse only ''brief and inadvertent or accidental'' proximity in non-residential areas, which may include dining, recreational, educational, vocational, health care, entry areas, and passageways.

I am pleased we were able to make this progress. I appreciate that a number of Members remain seriously concerned, as do I, about how S. 254 changes the disproportionate minority confinement protection in current law. This bill, S. 254, removes any reference to minorities and requires only that efforts be made to reduce over-representation of any segment of the population. I am disappointed that Senators WELLSTONE and KENNEDY's amendment to restore this protection did not succeed yesterday, but will continue to fight in conference to restore this protection.

Prevention. S. 254 includes a $200 million per year Juvenile Delinquency Prevention Challenge Grant to fund both primary prevention and intervention uses after juveniles have had contact with the juvenile justice system. I and a number of other members were concerned that in the competition for grant dollars, the primary prevention uses would lose out to intervention uses in crucial decisions on how this grant money would be spent. With the help of Senator KOHL, we have included in the Hatch-Leahy Managers' amendment a clear earmark that eighty percent of the money, or $160 million per year if the program is fully funded, is to be used for primary prevention uses and the other twenty percent is to be used for intervention uses. Together with the 25 percent earmark, or about $112 million per year if that program is fully funded, for primary prevention in the Juvenile Accountability Block Grant that was passed by the Senate in the Hatch-Biden-Sessions amendment, this bill now reflects a substantial amount of solid funding for primary prevention uses.

Prosecutors' Grants. I expressed some concern when the Senate passed the Hatch-Biden-Sessions amendment authorizing $50 million per year for prosecutors and different kinds of assistance to prosecutors to speed up prosecution of juvenile offenders. I pointed out that this amendment did not authorize any additional money for judges, public defenders, counselors, or corrections officers. The consequence would be to only exacerbate the backlog in juvenile justice systems rather than helping it.

The Managers' amendment fixes that by authorizing $50 million per year in grants to State juvenile court systems to be used for increased resources to State juvenile court judges, juvenile prosecutors, juvenile public defenders, and other juvenile court system personnel.

Sense of Senate. I mentioned before that S. 254 includes a Sense of the Senate resolution urging States to try juveniles 10 to 14 years old as adults for crimes, such as murder, that would carry the death penalty if committed by an adult—the resolution does not urge the death penalty for such children. While Vermont is probably one of the few States that expressly allows for the trial of juveniles 10 years and older as adults for certain crimes, I do not believe that this is a matter on which the Senate must or should opine. The Managers' amendment correctly deletes that Sense of the Senate from the bill.

State Advisory Groups. S. 254 incorporates changes I recommended to S. 10 in the last Congress to ensure the continued existence and role of State Advisory Groups, or SAGs, in the development of State plans for addressing juvenile crime and delinquency, and the use of grant funds under the JJDPA. As originally introduced, S. 10 had abolished the role of SAGs. The Judiciary Committee in 1997 adopted my amendment to preserve SAGs and require representation from a broad range of juvenile justice experts from both the public and private sectors.

While, as introduced, S. 254 preserved SAGs, it eliminated the requirement in current law that gives SAGs the opportunity to review and comment on a grant award to allow these experts to provide input on how best to spend the money. In addition, while the bill authorizes the use of grant funds to support the SAG, the bill does require States to commit any funds to ensure these groups can function effectively. I am pleased that the Chairman and I were able to accept an amendment sponsored by Senators KERREY, ROBERTS, and others, to ensure appropriate funding of SAGs at the State level and to support their annual meetings.

Protecting Children From Guns. Significantly, we have amended this bill with important gun control measures that we all hope will help make this country safer for our children. The bill as now been amended: bans the transfer to and possession by juveniles of assault weapons and high capacity ammunition clips; increases criminal penalties for transfers of handguns, assault weapons, and high capacity ammunition clips to juveniles; bans prospective gun sales to juveniles with violent crime records; expands the youth crime gun interdiction initiative to up to 250 cities by 2003 for tracing of guns used in youth crime; and increases federal resources dedicated to enforcement of firearms laws by $50 million a year. These common-sense initiatives were first included in the

comprehensive Leahy law enforcement amendment that was tabled by the majority, but were later included in successful amendments sponsored by Republican Senators. No matter how these provisions were finally included in the bill, they will help keep guns out of hands of children and criminals, while protecting the rights of law abiding adults to use firearms.

In addition, through the efforts of Senators LAUTENBERG, SCHUMER, KERREY and others, we were able to require background checks for all firearm purchases at all gun shows. After three Republican amendments failed to close the gun show loophole in the Brady law, and, in fact, created many new loopholes in the law, we finally prevailed. With the help of Vice President GORE's tie-breaking vote, a majority in the U.S. Senate stood up to the gun lobby and did the right thing. This is real progress. Conclusion.

I said at the outset of the debate on this bill that I would like nothing better than to pass responsible and effective juvenile justice legislation. I want to pass juvenile justice legislation that will be helpful to the youngest citizens in this country—not harm them. I want to pass juvenile justice legislation that assists States and local governments in handling juvenile offenders—not impose a ''one-size-fits-all'' Washington solution on them. I want to prevent juveniles from committing crimes, and not just narrowly focus on punishing children. I want to keep children who may harm others away from guns. This bill would make important contributions in each of these areas, and I am pleased to support its passage.

I thank the Republican manager of this important measure for his work and dedication to this effort. I commend the Minority Leader and the Minority Whip for their assistance and attention to this debate. There would not be a juvenile justice bill without them. I thank Senator KENNEDY, Senator SCHUMER, Senator KOHL and all the Democratic Members of the Judiciary Committee for helping manage this effort. Senators BINGAMAN, ROBB, BOXER, WELLSTONE and LAUTENBERG should also be singled out for their consistent efforts to improve this bill. And I would like to thank the staff of the Senate Judiciary Committee, Republican and Democrat, including Manus Cooney, Sharon Prost, Rhett DeHart, Michael Kennedy and Anna Cabral from Chairman HATCH's staff and Bruce Cohen, Beryl Howell, Ed Pagano, Ed Barron, J.P. Dowd, Julie Katzman and Michael Carrasco from my own. In addition Michael Myers, Stephaine Robinson, Melody Barnes and Angela Williams from Senator KENNEDY's staff and Sheryl Walter, Jon Leibowitz, Brian Lee, Neil Quinter, David Hantman, Bob Schiff, Jennifer Leach and Glen Shor, Sander Lurie and Tony Orza were exceptional in staffing these matters. I thank them all for their dedication and public service.

I thank Senators on both side of the aisle who worked with us, but I want to congratulate the distinguished chairman and thank him for his help.

Mr. HATCH. I likewise congratulate the ranking member.

Mr. President, I ask 5 minutes be accorded to the subcommittee chairman of the Judiciary Committee who did more than any other single person to bring the good parts of this bill to the floor. He deserves a lot of recognition. This is his first term in the Senate. To have such a significant role on a bill of this magnitude I think is a great star in Senator SESSIONS' crown. I certainly recognize that and tell him what a pleasure it has been to work with him and with his staff in doing this.

Let me just add one last thing. The Senator is right, the Senator from Vermont. We are here trying to save our children. We are here trying to make this a better world for them. We are here trying to make it clear to people in this country there is such a thing as discipline and we have to abide by certain rules in society. This bill will help a lot of young kids out there to realize there are rules and they are worthy rules; if they will abide by them, we will continue to have a great society for the next 200-plus years. To the extent this bill has come through, as extensive and good as it is, we owe a lot to the Senator from Georgia.

I want to end this debate with a reminder. We have been on this bill for 2 weeks talking about violent juvenile crime, about the events in Littleton, about kids who use guns and about kids influenced by violence in the media. Unfortunately for all of us, that is true. But let us not lose sight of the millions of kids in this country, hundreds of thousands in Utah, who are really good young people.

We give a lot of attention, and the bill focuses even more, on young people who get into trouble with the law. Let us not forget that about the kids who fly straight. As we wrap up consideration of this bill, let's thank the millions of young people across this land who work hard, study long hours, respect and love their parents and friends, and care for others around them. There are millions and millions of good kids in this country. What we are trying to make sure is the kids who were led astray, the kids who we think may not be so good, they are going to get a break—or at least they are going to understand what the law is with regard to violence. This bill, I think, will go a long way to solving these problems.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama.

Mr. SESSIONS. Mr. President, I thank the Senator from Utah, who is a master legislator, who took this bill through storms none of us expected would occur. This was an emotional time in America. It has generated an awful lot of amendments and ideas, some of which are good and some of which I frankly think are not healthy.

I believe we need to focus on prosecuting criminals who use guns. It always galled me as a former Federal prosecutor myself that here this administration blamed the Congress for not passing more laws when their own Department of Justice had allowed prosecutions of gun cases to drop 40 percent. You wonder why we are passing laws if they are not using them.

Those were some of the matters that came up. My vision for this bill from the beginning was to create a Federal program to assist the local juvenile justice systems in America. We put money where these judges and prosecutors and probation officers are overwhelmed by the huge crush of juvenile cases. We have increased funding dramatically for adult programs for crimefighting but we have not done the same for juveniles. Those juveniles, then, come on and become adult criminals.

I hope everybody in America who cares about what is happening will ask how their juvenile court system is doing. Does the judge in their town have an option when a child is arrested to send them to prison, detention, boot camp, alternative schools, drug treatment, mental health, family counseling? Can the judge impose that? Can he impose a probation order and then have the resources to make sure that youngster is at home at night at 7 like he ordered, or do we do like most courts in America, because they do not have enough resources, so orders are written but nobody enforces them?

If we love these children, if we care about these children, when they are arrested, we will drug test them, because if they are using drugs, they are going to continue in the life of crime. Sixty-seven to 70 percent of the people in America who are arrested for a felony test positive for an illegal drug. It is an accelerant to crime. This legislation does that kind of thing.

It provides money for drug testing. It provides money for recordkeeping. We hope every juvenile court system in America will input criminal history records into the Federal NCIC, National Crime Information Center, that the FBI manages. They want these records because these children move around and some of them are very violent. Those records need to be maintained. This bill provides for that.

It provides for research on which programs are working. Many of them are not successful, according to the Department of Justice, and we need to make sure these prevention programs are working well. It provides for research for that.

I am of a belief that this legislation—and it can use some work in conference, and I know Senator HATCH and others will try to improve it—can help us create a better juvenile justice system so we can intervene effectively at the first arrest. We can make that youngster's first brush with the law their last because we deal with them seriously and not as a revolving door.

Sometimes we have to use some form of detention because some of these kids just will not mind otherwise. We know that. They have multiple arrests.

I believe we have made some progress. I am honored to have worked with Senator LEAHY, Senator BIDEN, and certainly Senator HATCH, the chairman of our committee. He is an outstanding legislator, a man of integrity and principle, and an outstanding constitutional lawyer who cares about his country and serves it well every day.

I yield the floor.

MORNING BUSINESS

Mr. HATCH. Mr. President, I ask unanimous consent that the Senate now proceed to a period for morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

BUYING FLOOD DAMAGED VEHICLES

Mr. LOTT. Mr. President, consumers, motor vehicle administrators, law enforcement, and the automotive and insurance industries anxiously await Congressional action on appropriate and workable title branding legislation. Legislation that provides used car purchasers with much needed pre-purchase disclosure information for severely damaged vehicles.

As a result of varying state approaches, consumers are not always advised of a vehicle's damage history. The National Salvage Motor Vehicle Consumer Protection Act, S. 655, that I introduced back in March, would help correct this problem. It provides grant funds to states to encourage their adoption of uniform terms and procedures for salvage and other severely damaged vehicles. While a mandatory federal scheme was suggested during the last Congress, there were serious Constitutional concerns and the real potential that Congress would create an expensive unfunded mandate on states. The approach taken in S.655 overcomes these problems and provides states with offsetting funding.

Mr. President, it is clear that any title branding legislation Congress adopts must contain a rational definition for vehicles that sustain significant water damage.

The Congressionally chartered Motor Vehicle Titling, Registration and Salvage Advisory Committee, whose recommendations for curtailing title fraud and automobile theft spurred my sponsorship of S.655, came to the reasoned conclusion that water damage was so potentially insidious in nature that a separate and distinct consumer disclosure category needed to be created. One that distinguished flood vehicles from salvage and nonrepairable vehicles.

S. 655, which is similar to the bipartisan measure I coauthored with Senator Ford during the last Congress, adopts a distinct flood vehicle category and improves upon the definition initially proposed by the task force.

Mr. President, I am sure my colleagues are aware that the State of Illinois, which initially adopted the task force's recommended flood definition, subsequently revised it based on anti-consumer results. Illinois found that branding ''any vehicle that has been submerged in water to the point that rising water has reached over the door sill or has entered the passenger or truck compartment'' caused too many vehicles to be unnecessarily branded as ''flood'' vehicles. Vehicles that were significantly devalued and lost their manufacturers warranty when the only damage the vehicle suffered was wet carpets or wet floor mats.

S.655 is a good example of the need to balance competing consumer interests when establishing uniform titling definitions. Instead of unnecessarily and inappropriately branding vehicles with mere cosmetic damage, this legislation rightly brands as ''flood'' those vehicles which sustain water damage that impairs a car or truck's electrical, mechanical, or computerized functions. It also requires the ''flood'' designation for vehicles acquired by an insurer as part of a water damage settlement. This measure also includes an independent flood inspection as recommended by a working group of the National Association of Attorney's General.

Mr. President, I ask my collegues to heed the call of used-car buyers and provide them with a reasonable and workable title branding measure. One that includes all of the minimal definitions needed to protect them from title fraud and automobile theft.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Wednesday, May 19, 1999, the federal debt stood at $5,593,797,968,334.37 (Five trillion, five hundred ninety-three billion, seven hundred ninety-seven million, nine hundred sixty-eight thousand, three hundred thirty-four dollars and thirty-seven cents).

Five years ago, May 19, 1994, the federal debt stood at $4,588,987,000,000 (Four trillion, five hundred eighty-eight billion, nine hundred eighty-seven million).

Ten years ago, May 19, 1989, the federal debt stood at $2,780,326,000,000 (Two trillion, seven hundred eighty billion, three hundred twenty-six million) which reflects a doubling of the debt—an increase of almost $3 trillion—$2,813,471,968,334.37 (Two trillion, eight hundred thirteen billion, four hundred seventy-one million, nine hundred sixty-eight thousand, three hundred thirty-four dollars and thirty-seven cents) during the past 10 years.

NATIONAL MARITIME DAY

Mr. LOTT. Mr. President, I would like to take a moment to recognize that today is National Maritime Day, when the Nation pays tribute to the American Merchant Mariners who have given their lives in the service of their country. Throughout the history of the United States, our U.S.-flag Merchant Marine has always been there, providing the support that time and again has proven to be essential to victory. It is with the most profound gratitude for the service and sacrifice of America's Merchant Marine veterans that we reflect upon the importance of our U.S.-flag fleet on this day.

On April 29, 1999, I was privileged to be given a very special momento by a group of Merchant Marine Veterans of World War II. It was a patch, of the kind worn by Merchant Mariners during World War II, and it was designed in 1944 by Walt Disney Studios. Walt Disney's people created a mascot for the Merchant Marine, called ''Battlin' Pete,'' and the patch shows Pete knocking out an Axis torpedo.

The presentation was made to express the veterans' gratitude for a very important piece of legislation that the Senate passed last year. Last year's veterans' benefits bill ensures that those American Merchant Marine veterans who served our country in World War II between August 16, 1945—the day that hostilities were officially declared at an end by President Truman—and December 31, 1946—the cut-off day for World War II service for all other service branches—receive honorable discharges for their service and are eligible for veterans' burial and cemetery benefits. This is the least we can do for these deserving veterans. I was privileged to introduce legislation during the 105th Congress seeking that change, and it was later incorporated into the veterans' benefits bill.

The overwhelming majority of World War II Merchant Mariners were previously awarded veterans status. Now, those who served in harm's way through the war's final days are also being recognized. Although Japan officially surrendered in August of 1945, harbors in Japan, Germany, Italy, France—indeed, across the world—still were mined. Twenty-two U.S.-government-owned vessels, carrying military cargoes, were damaged or sunk by mines after V-J Day. At least four U.S. Merchant Mariners were killed and 28 injured aboard these vessels. Even as Americans at home were celebrating victory, American Merchant Mariners carried on as they have always done—bravely serving their country with pride and professionalism.

I am proud that, at that April ceremony, the first honorable discharges for this previously forgotten group went to two Merchant Marine veterans from my home state of Mississippi: Mr. Robert Hoomes and Mr. Louis Breaux. Also, I was pleased that Mr. Joseph Katusa, National Chairman, Merchant Marine Fairness Committee, received